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THE LAW

RELATING TO

FRIENDLY SOCIETIES.

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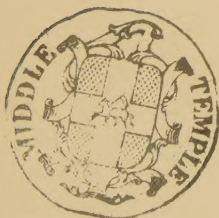


THE LAW
RELATING TO
FRIENDLY SOCIETIES.

COMPRISING
THE FRIENDLY SOCIETIES ACT, 1896,
AND
THE COLLECTING SOCIETIES AND INDUSTRIAL
ASSURANCE COMPANIES ACT, 1896.

*TOGETHER WITH AN APPENDIX, CONTAINING MODEL
RULES AND THE FORMS APPENDED TO THE
TREASURY REGULATIONS.*

BY
FRANK BADEN FULLER, B.A. (OXON.),
OF THE INNER TEMPLE, BARRISTER-AT-LAW.



SECOND EDITION.

LONDON:
WILLIAM CLOWES AND SONS, LIMITED,
27, FLEET STREET.

1898.

LONDON :

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PREFACE TO THE SECOND EDITION.

IN the year 1896, the Friendly Societies Acts, 1875 to 1895, together with a part of the Provident Nominations and Small Intestacies Act, 1883, and of the National Debt (Supplemental) Act, 1888, were repealed and consolidated into two statutes, viz. the Friendly Societies Act, 1896, and the Collecting Societies and Industrial Assurance Companies Act, 1896. At the same time the Treasury regulations for the working of the Acts were revised and rearranged.

Although these changes effected no substantial alteration of the law, they have rendered necessary a revision of this work, which, from the reception accorded to it, appears to have proved useful to many of those concerned with or interested in friendly societies.

The object of this work is to treat fully of the law as interpreted by the Courts and the practice as formulated by the Treasury and controlled by the Registry Office. With this in view, the notes on the Acts have been enlarged and the most recent decisions included. As the construction and administration of the law relating to friendly societies is largely entrusted to the County Courts and Courts of Summary Jurisdiction, reference is made to cases decided in these Courts whenever reports of them have been

available. In the text, reference is given to only one report of the cases cited, but in the Table of Cases will be found references to others.

I take this opportunity of acknowledging my indebtedness to the learned Chief Registrar of Friendly Societies, Mr. E. W. Brabrook, for his kind and valuable assistance.

F. BADEN FULLER.

11, STONE BUILDINGS, LINCOLN'S INN, W.C.,

December, 1897.

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ABBREVIATIONS.

C.C.R.	County Court Rules.
C.S.A.	The Collecting Societies and Industrial Assurance Companies Act, 1896.
F.S.A. 1875	The Friendly Societies Act, 1875.
F.S.A. 1895	The Friendly Societies Act, 1895.
F.S.A.	The Friendly Societies Act, 1896.
F.S.Cas.	Reports of Law Cases affecting Friendly Societies, compiled by J. Diprose and J. Gammon. London : 1897.
R.C.R.	Report of the Chief Registrar of Friendly Societies (Annual).
R.S.C.	Rules of the Supreme Court.
T.R.	Treasury Regulations, 1897.



THE LAW

RELATING TO

FRIENDLY SOCIETIES.

INTRODUCTION.

I.—HISTORY OF LEGISLATION.

VOLUNTARY associations for the purpose of mutual relief and the maintenance of their members in sickness, old age and infirmity, and for kindred purposes, have existed in various forms in this country for many centuries.

The first step taken by the legislature towards the ^{33 Geo. 3,} protection and encouragement of such associations was an ^{c. 54.} Act passed in 1793 (33 Geo. 3, c. 54), which allowed any number of persons to form a society of good fellowship for the purpose of raising among themselves a fund for their mutual benefit, and of making rules and imposing fines, etc. Some of the chief privileges then conferred on societies which brought themselves within the Act by having their rules confirmed by justices and enrolled with the clerk of the peace, have been continued in principle and with but slight modification through subsequent legislation to the present day; the chief of such privileges were a cheap and speedy remedy against defaulting officers of the society, exemption from certain stamp duties, priority of the society against the estates of deceased or bankrupt officers, the vesting of the property of the society in the trustees

without transfer, with a provision against the abatement of actions, protection of the funds against misappropriation and illegal distribution, the reception of the rules in evidence, and a provision for the settlement of disputes by arbitration or by justices. This Act was extended by 35 Geo. 3, c. 111, to certain other benevolent and charitable institutions, and amended by 49 Geo. 3, c. 125; but, although its result was the formation of a large number of societies, the want of scientific principle in their foundation was not long in producing a feeling of distrust as to their stability. Accordingly, the Act of 1819 (59 Geo. 3, c. 128) was passed for the purpose of affording further facilities and additional security to persons willing to unite in making provision for themselves and their families, and for casualties affecting them. The justices were directed, before confirming the rules and tables of societies, to ascertain whether the society would be useful and beneficial, and that the rules and tables so submitted to them were fit and proper and framed correctly so as to provide for the contingencies to be insured against.

10 Geo. 4,
c. 56. It was found in practice that the lax manner in which this last Act was carried out did not promote the soundness of societies, whilst, owing to the restrictions placed on the registration of societies, the number of unregistered societies increased. By the Act of 1829 (10 Geo. 4, c. 56), therefore, which consolidated the previous law, it was enacted that a barrister should be appointed to examine the rules of societies and certify they were in conformity with the provisions of the Act, whilst the justices were to satisfy themselves that the tables of contributions might be adopted with safety to all parties. This last provision proved unworkable, and was amended by the Act of 1834 (4 & 5 Will. 4, c. 40), which allowed societies to be freely formed upon condition only that the barrister certified that their rules were in conformity with law; a slight amendment was made by the Act of 3 & 4 Vict. c. 73, and in 1846, by an amending Act (9 & 10 Vict. c. 27), the barrister certifying the rules was to be styled the Registrar

of Friendly Societies, and the rules of all present and future societies were to be transferred to and kept by him.

In 1850 the law was again consolidated and amended ^{13 & 14} by the 13 & 14 Vict. c. 115, which provided for two ^{Vict.} ^{c. 115.} classes of societies—those whose rules and tables had been certified by an actuary of a given qualification being denominated “certified,” all others being called “registered.” Amendments and additions were made to this Act by 15 & 16 Vict. c. 31; 16 & 17 Vict. c. 23; and 17 & 18 Vict. c. 56.

In 1855, however, the 18 & 19 Vict. c. 63 repealed and ^{18 & 19} ^{Vict. c. 63.} consolidated the former statutes and made further changes in the law; the distinction between certified and registered societies was abolished, and certain other classes of societies were allowed some of the benefits conferred by the Act, if their rules were certified by the registrar as being in conformity with the law; the Act provided for transfer of the engagements of a society, a limited holding of land, and the distribution of moneys due to a member who had died intestate. Further amendments were made and privileges granted by the Acts 21 & 22 Vict. c. 101; 23 & 24 Vict. c. 58; and 29 Vict. c. 34.

A Royal Commission, which sat from 1870 to 1874, conducted an exhaustive enquiry into the nature and condition of all classes of societies, and the outcome of their labours was the Act of 1875 (38 & 39 Vict. c. 38 & 39 ^{Vict. c. 60.} 60), which again repealed all previous Acts and consolidated the law and introduced further provisions relating to friendly societies. Amending Acts were passed in 1879, 1882, and 1885 (42 Vict. c. 9; 45 & 46 Vict. c. 35; and 48 & 49 Vict. c. 27), but these Acts were repealed and the amendments included in the Act of 1887 (50 & 51 Vict. c. 56). The Act of 1888 (51 & 52 Vict. c. 66), which was never acted on, was the following year repealed and replaced by 52 & 53 Vict. c. 22, whilst further amendments were made in 1893 by 56 & 57 Vict. c. 30, and in 1895 by 58 & 59 Vict. c. 26.

59 & 60
Vict.
cc. 25, 26.

The Acts of 1887 and 1895 authorised the Queen's printers to print copies of the Act of 1875 with the additions, omissions, and substitutions required by these two Acts. This was only a temporary measure of consolidation, and in 1896 the whole of the enactments were consolidated into two—the Friendly Societies Act, 1896 (59 & 60 Vict. c. 25), and the Collecting Societies and Industrial Assurance Companies Act, 1896 (59 & 60 Vict. c. 26)—which reproduced the existing enactments with such alterations only as were required for uniformity of expression and adaptation to existing law and practice, and did not embody any substantial change of the law. In making this consolidation the legislation was divided into two parts, so that the F.S.A., 1896, should contain only those provisions which related to friendly societies proper; whilst those which affected only collecting societies and industrial assurance companies were embodied in the other measure. The Acts came into operation on the 1st of January, 1897, and the Treasury Regulations dated the 1st of January, 1897, with an addition dated the 15th of June, 1897, have been issued to facilitate the working of the Acts.

II.—SUMMARY OF THE ACTS.

General
arrange-
ment.

The F.S.A., 1896, is arranged so as to collect together: (1) the provisions dealing with the constitution and powers of the registry office (ss. 1-7); (2) the provisions affecting the life of societies from their registry to their extinction (ss. 8-83); (3) the general subsidiary provisions (ss. 84-109), whilst the provisions which affect only collecting societies and industrial assurance companies are contained in the C.S.A., 1896.

The
registry
office.

The registry office is continued under the direction of a chief registrar, together with assistant registrars for England, Scotland, and Ireland, the chief registrar and the assistant registrar for England constituting the central office; the tenure of office and qualifications of the

registrars are stated, and the functions, duties, and powers of the central office and the different registrars are enumerated and defined, and provision is made for the payment of salaries and expenses (ss. 1-7).

Societies which are capable of registration under the Act are divided into five classes—viz. friendly societies, cattle insurance societies, benevolent societies, working men's clubs, and specially authorised societies (s. 8); the first-named kind may be formed for the various purposes enumerated in s. 8 (1), and may be constituted in various ways—viz. either as single societies, societies with branches, dividing societies, deposit societies, or collecting societies.

A society to obtain registration under the Act must adopt the procedure prescribed for registration (s. 9), though societies which have been duly formed under previous Acts are, without further action on their part, deemed registered under the present Act (s. 101), with the exception that their existing rules are valid only to the extent that they are not contrary to the provisions of this Act. A society thus constituted becomes *quasi* corporate under its registered rules, and alterations of the rules when duly made have to be registered in the prescribed manner before they can become valid (s. 13). The similar provisions as to registration of branches and the rules thereof are contained in ss. 17-22.

Consequent on registry a society has imposed on it certain duties, viz. of having a registered office (s. 24) and of appointing trustees (s. 25), of auditing its accounts annually and valuing its assets quinquennially—for which purpose the appointment of public auditors and valuers is provided for—and of sending to the registrar its annual returns and quinquennial valuations in the prescribed manner and form (ss. 26-30): it must supply copies of its rules to any one who demands them, and allow its books to be inspected by and supply copies of its annual returns to persons interested in its funds (ss. 38-40), and must pay money on a member's death only on production of a certificate of death except in certain cases; whilst if

the society assures payments on the death of children under ten years of age, it is subject to the stringent provisions of ss. 62–66. The contributions to a society are voluntary and irrecoverable at law (s. 23), except in the case of cattle insurance societies and certain specially authorised societies (s. 31).

Privileges. A society when registered has all the privileges conferred by the Acts, the chief of which are—exemption from the Corresponding Societies Acts (s. 32) and certain stamp duties (s. 33), power to obtain transfers of stock by the chief registrar when the trustees are absent, etc. (s. 34), a priority on the death and bankruptcy of officers over other creditors (s. 35), power for minor members to act by themselves or guardians (s. 36), the making of loans to members (ss. 45, 46), the vesting of the society's property in the trustees from time to time (ss. 47–50), a power of investment in savings banks and with the National Debt Commissioners (ss. 44, 52), the power to discharge mortgages to the society by an endorsed receipt (s. 53), and the obtaining of certificates of death at reduced rates (s. 61). The officers of the society are to give security, and by summary proceedings may be compelled to account for and deliver up property in their hands (ss. 54, 55), and summary proceedings may be taken against any one withholding or misappropriating the society's property (s. 87).

Rights of members. In addition to the rights corresponding to the duties owed them by the society which members possess, surplus contributions may be accumulated for their use (s. 42); the benefits which may be provided by a society are limited in amount (s. 41), but in certain events, in the case of militiamen and volunteers, they are incapable of forfeiture (s. 43), and may be distributed on a member's death either as he nominates or by the trustees of the society (ss. 56–60).

Disputes. So far as disputes in the domestic forum of the society are concerned, the Act provides for a settlement expeditious in its nature and final in its result (s. 68), thus

protecting the funds of the society from being wasted in litigation.

By the proceeding of a special resolution the society has power to change its name, convert itself into a company, or amalgamate with or transfer its engagements to another society, whilst certain other special provisions, having reference to the effect of previous legislation, enable branches, which under the Act of 1855 had to be registered as separate societies, to obtain registry as branches by a simple method, and provide for the amalgamation of juvenile with adult societies, the former having by virtue of the F.S.A., 1895, ceased to be recognised as a separate class (ss. 69-75). Special resolution.

A certain proportion of the members have power (s. 76) to invoke the assistance of the registrars to conduct an inspection into the affairs of the society, or to call a special meeting to further the business of the society, where the circumstances of the case require it. Extraordinary powers of registrar.

The existence of a society may be terminated either voluntarily or compulsorily. In the former case it may dissolve itself by instrument made in due manner and form, and its property may be divided thereby or by the award of the chief registrar, or its registry may be cancelled on request for the purpose of its continuing its existence as a branch or in some other form. On the other hand, the registrar has power to dissolve a society compulsorily, after an investigation into its affairs with a view to its dissolution; the chief registrar has also power to suspend for a period and to compulsorily cancel the registry of a society for illegality or for violation of the provisions of the Act (ss. 77-83). Termination of society.

The enumeration of the offences under the Act, the penalties and the manner of recovering them, the powers of the courts of summary jurisdiction, and the procedure on appeals and generally, are contained in ss. 84-94. Offences, and legal proceedings.

Provision is made for the fees chargeable for matters transacted by the registrars, and the Treasury is empowered to make regulations for carrying out the Act Fees, &c.

(ss. 95-99), and copies of registered documents sealed by the central office are made evidence (s. 100).

Local provisions.

Slight alterations are necessary to adapt the Act to Scotland, the Isle of Man, and the Channel Islands, which are contained in ss. 102-105.

Collecting societies.

The special provisions which affect only collecting societies are contained in the C.S.A., 1896, these societies also enjoying the privileges and being subject to the duties conferred and imposed by the F.S.A., 1896.

III.—ALTERATIONS EFFECTED BY THE F.S.A., 1895.

No substantial amendment of the law was made by the F.S.A., 1896, but the amendments made by the F.S.A., 1895, which are now embodied in the present Act, effected alterations so important that it may be useful to briefly recapitulate them.

Annuities.

The certification of tables before registry is now compulsory on all societies which assure annuities, and not on those only which assure them only to members: s. 16.

Appeals.

In the case of appeals from the assistant registrars of Scotland and Ireland against refusal to register rules or amendments, or against cancelling or suspension of registry, the appeal was formerly to the Court of Session in Scotland and the Court of Queen's Bench in Ireland; now the appeal is to be in the first place to the chief registrar, and from him to the superior courts as before: ss. 12 (1) and 77 (6).

Branches seceding or expelled.

A seceding or expelled branch can no longer make use of the name of the order from which they have seceded or been expelled, or the number by which it was known, and thus fraudulently hold out to the public that it is still a part of the order from which it has seceded or been expelled: s. 21.

Registered trade unions may now legally contribute to and take part in the management of a medical society: s. 22.

S. 23 expressly declares the legal result implied in s. 8 (1) from the epithet "voluntary" as applied to subscriptions to a friendly society, namely, that such subscriptions are not enforceable at law—this interpretation having formerly been the subject of conflicting decisions.

Secretaries and treasurers are now forbidden to be also Trustees of the society: s. 25 (4).

The form of s. 33 makes clear a point for which societies have long contended, viz. the right to use unstamped cheques and give unstamped receipts when used and given for the purposes of the rules and Act.

The status of minors has undergone considerable alteration: s. 36. The compulsory distinction between adult and juvenile societies is abolished, and a minor over one year of age may become a member of an adult society, but he is not to be a member of the committee of management, or trustee, or treasurer, though he may give legal acquittances by himself if over sixteen years, if under, by his parents or guardians. Provision is made by s. 70 (5) for the absorption of existing juvenile societies, either by amalgamation with an adult society or branch, or by distributing the members of the juvenile society among several branches.

The investment of the funds of a society with branches, and of any of its branches, is facilitated by s. 44 (2), which empowers the trustees of the society or branch to invest the funds of the society or branch, which under the previous law might be vested in them although they had no power of investment.

S. 51 (2) empowers a nominee over sixteen years of age to give a valid receipt, and s. 56 (5) makes the marriage of a member revoke his nomination, though a payment by a society in ignorance of such marriage is nevertheless valid: s. 60 (2).

Payment without production of a certificate of death is legalised in cases of colliery explosions or accidents where the body cannot be found, or where the coroner certifies that the death is the subject of a pending inquiry, thus

expediting payment in such cases to the widows and orphans in their distress : s. 61 (2).

Disputes.

A person who has for not more than six months ceased to be a member, or any one claiming through such person, may avail himself of the provisions for settling disputes, though if more than six months have elapsed his only remedy is through the ordinary channels. This alteration was intended to set at rest a vexed question whether or not a person whom the society claim to have expelled can resort to the summary method under the society's rules to settle the dispute, but the Court of Appeal in January, 1897, decided that this was not the effect of the alteration (see note to s. 68). Words have been added to the end of s. 68 (6) which settle conclusively when the forty days prescribed by that section shall commence to run in the case of the affiliated orders. Under this enactment the party aggrieved must first apply in succession to all the tribunals prescribed by the rules of the order, and can only have recourse to law if the final court of arbitration under such rules does not hear and determine his complaint within forty days of his appeal being made to it.

**Conversion of societies into branches.
Fines.**

The conversion of societies into branches under s. 73 is facilitated by requiring in future a bare majority of its members, instead of a majority of three-fourths.

The fines and consequences of non-payment of subscriptions or fines are required to be inserted in the rules of all future societies : Sch. I.

Collecting societies registered after December 31, 1895, must have the words "collecting society" as a part of their name : C.S.A., s. 9.

THE FRIENDLY SOCIETIES ACT, 1896.

59 & 60 VICT. C. 25.

An Act to consolidate the Law relating to Friendly and other Societies. [7th August, 1896.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

The Registry Office.

S. 1.

1.—(1.) There shall continue to be a chief registrar of friendly societies (in this Act called “the chief registrar”), and one or more assistant registrars of friendly societies for England (in this Act called “assistant registrars for England”), and the chief registrar and assistant registrars for England shall continue to constitute the central office of the registry of friendly societies.

*The
registry
office.*

*The
registry
office.*

(2.) There shall continue to be an assistant registrar of friendly societies for Scotland (in this Act called “assistant registrar for Scotland”), and an assistant registrar of friendly societies for Ireland (in this Act called “assistant registrar for Ireland”).

(3.) Every chief registrar and assistant registrar shall be appointed by and shall hold his office during the pleasure of the Treasury.

(4.) The chief registrar shall be a barrister of not less than twelve years' standing, and one at least of the

SS. 1. 2. assistant registrars for England, and the assistant registrar for Ireland, shall be a barrister or solicitor of not less than seven years' standing, and the assistant registrar for Scotland shall be an advocate, writer to the signet, or solicitor of not less than seven years' standing.

*The
registry
office.*

(5.) The central office may, with the approval of the Treasury, have attached to it such assistants skilled in the business of an actuary and an accountant as may be required for discharging the duties imposed on the office by this Act.

**Official
addresses.**

The official address of the chief registrar is that of the central office, 28, Abingdon Street, S.W.; that of the assistant registrar for Scotland, 43, New Register House, Edinburgh; and for Ireland, 16, Dame Street, Dublin. Communications to the registrars on official business, marked "On Her Majesty's Service," do not require to be stamped.

**Constitu-
tion of
office.**

As at present constituted, the central office consists of the chief registrar and one assistant registrar. Certain functions are by the Act reserved to the chief registrar alone, and except by delegation from him cannot be exercised by the assistant registrars, s. 3 (2).

The public auditors and valuers appointed by the Treasury under s. 30 (1) form no part of the registry office.

As to the authority of the seal of the central office or the signatures of the registrars upon the admissibility of documents in evidence, see s. 100.

**Functions
of the
central
office.**

2.—(1.) The central office shall continue to exercise the functions and powers formerly vested—

- (a) as respects trade unions, in the registrar of friendly societies in England; and
- (b) as respects building societies, in the registrar of building societies in England; and
- (c) as respects unincorporated benefit building societies, loan societies, and societies instituted for purposes of science, literature, or the fine arts, in the barristers appointed to certify the rules of savings banks or friendly societies,

and shall be entitled to receive all fees payable to those registrars and barristers; and all enactments relating to those registrars and barristers shall, so far as respects trade unions and such societies as aforesaid, be construed as applying to the central office.

Ss. 2 (1) and 4 (1) re-enact s. 10 (4) and (8) of the F.S.A., 1875, which vested in the central office and the assistant registrars for Scotland and Ireland the functions and powers then by law vested in various registering authorities. The registering authorities were defined as to trade unions by the Trade Union Act, 1871 (34 & 35 Vict. c. 31), s. 17; as to building societies by the Building Societies Act, 1874 (37 & 38 Vict. c. 42), s. 3; as to benefit building societies by 6 & 7 Will. 4, c. 32, s. 4; as to loan societies by the Loan Societies Act, 1840 (3 & 4 Vict. c. 110), s. 4; and as to societies instituted for the purposes of science, literature, or the fine arts, by the Scientific Societies Act, 1843 (6 & 7 Vict. c. 36), s. 2.

S. 2.

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The
registry
office.
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The word "formerly" means before 1876, and has reference to the Acts mentioned above, for by virtue of the Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 38, references in any Act to the registrar as defined by the Friendly Societies Act, 1875 (38 & 39 Vict. c. 60), are to be construed as references to the registrar under this Act; consequently, no reference is made in this section to powers conferred on the registrars as defined by the F.S.A., 1875, by Acts passed since 1875, e.g. the Savings Bank (Barrister) Act, 1876 (39 & 40 Vict. c. 52), and the Industrial and Provident Societies Act, 1893 (56 & 57 Vict. c. 39).

Refer-
ences to
registrar
in other
Acts.

Under the Workmen's Compensation Act, 1897 (60 & 61 Vict. c. 37), s. 3, any scheme to enable an employer to contract himself out of that Act must be certified by the Registrar of Friendly Societies, who may give such certificate for a limited period, and may revoke the same and, in event of dispute, distribute the moneys held for the purposes of a scheme so revoked.

Documents requiring authentication by the central office shall be authenticated by its seal, which shall bear the Royal Arms, with the words "Registry of Friendly Societies" around or above, and the words "Central Office" below. A document so authenticated shall be deemed to be a document signed by the registrar of friendly societies in England, the registrar of building societies in England, or the barrister appointed to certify the rules of savings banks or friendly societies, for the purposes of s. 2: T. R. 1.

Authenti-
cation of
documents
by central
office.

(2.) The central office shall, with the approval of the Treasury—

- (a) prepare and cause to be circulated, for the use of societies, model forms of accounts, balance sheets, and valuations; and
- (b) collect from the returns under this Act and from other sources, and publish and circulate, either generally or in any particular district, or otherwise make known, such information on the subject of the statistics of life and sickness, and the application

SS. 2, 3.

*The
registry
office.*

thereof to the business of friendly societies, and such particulars of their returns and valuations, and such other information useful to the members of or to persons interested in societies registered or capable of being registered under this Act, as the chief registrar may think fit; and

- (c) cause to be constructed and published tables for the payment of sums of money on death, in sickness, or old age, or on any other contingency forming the subject of an assurance authorised under this Act which may appear to be calculable: Provided that the adoption of the tables by a society shall be optional.

**Model
forms.**

Forms of balance sheets, as part of the annual return and valuation, have been prepared and are from year to year constantly sent out gratuitously by the central office (the form of valuation will be found in the Appendix); forms of accounts, however, have not been submitted for the approval of the Treasury, for the reason that the accounts of societies vary so in shape that a model is impossible: R. C. R. (1890) 13.

**Collecting
and pub-
lishing in-
formation.**

The collecting and publishing of information on the statistics of life and sickness, and the construction and publication of tables has been carried out by the publication of a special return of the sickness and mortality experience deduced from the quinquennial returns made by registered societies for the years 1856 to 1880 inclusive, and of a report thereon by Mr. E. Sutton, the actuary to the central office: Parl. Pap. 1880, r. 365; 1896, r. 303. The publication "generally" is made through the official channels; though the Act allows, as an alternative, publication in particular districts, the chief registrar believes "general" publication to be the best, though to promote local circulation the abstracts and reports are divided by the central office: R. C. R. (1890) 13. Notice before compulsory cancelling of registry of a society in the local papers is an instance of publication of information useful to persons who might otherwise have dealings with the society: R. C. R. (1892) 8.

**Functions
of assis-
tant regis-
trars
generally.**

3.—(1.) The assistant registrars shall, except as in this Act provided, be subordinate to the chief registrar.

(2.) They shall, within the parts of the United Kingdom for which they are respectively appointed, exercise all functions and powers by this Act given to the registrar, and may also by the written authority of the chief registrar,

exercise such of the functions and powers by this Act given to the chief registrar as he may delegate to them. §§ 3, 4.

4.—(1.) Subject to any regulations to be made under this Act, the assistant registrars for Scotland and Ireland respectively shall continue to exercise the functions and powers formerly vested—

*The
registry
office.*

Functions
of assis-
tant regis-
trars for
Scotland
and
Ireland.

(a) as respects trade unions, in the registrars of friendly societies in Scotland and Ireland; and

(b) as respects building societies, in the registrars of building societies in Scotland and Ireland; and

(c) as respects benefit building societies and societies instituted for purposes of science, literature, or the fine arts, in Scotland, in the Lord Advocate or his deputed appointed to certify the rules of any such societies, and, in Ireland, in any barristers appointed for the like purpose;

and shall be entitled to receive all fees payable to those registrars, the Lord Advocate or his deputed, and those barristers respectively; and all provisions in any Acts of Parliament relating to those persons respectively shall be construed as applying to those assistant registrars.

As to the functions and powers here referred to, see note to s. 2 (1).

Under this Act the assistant registrars for Scotland and Ireland respectively have discretionary power, in the case of societies registered and doing business in Scotland or Ireland exclusively, of approving changes of name, s. 69; of appointing inspectors and calling special meetings, s. 76; and of cancelling or suspending registry, s. 77: they may also exercise such of the functions and powers by the Act given to the chief registrar as he may delegate to them, s. 3 (2).

Discre-
tionary
powers of
assistant
registrars.

As to appeals from the assistant registrars, see, in the case of refusal to register rules or amendments, ss. 12, 19, and in the case of suspensions or cancelling of registry by them, s. 77 (6).

Appeals
from
assistant
registrars.

As to fees received by the assistant registrars, see p. 131.

(2.) Subject as aforesaid, the assistant registrars for Scotland and Ireland shall—

(a) send to the central office copies of all such documents registered or recorded by them as the chief registrar may direct: and

(b) record such documents and matters as may be sent to them for record from the central office, and

SS. 4, 5, 6.

The
registry
office.

such other documents and matters as are in this Act required to be recorded: and

(c) circulate and publish, or transmit to or from societies registered in Scotland or Ireland respectively, from or to the central office, such information and documents relating to the purposes of this Act as the chief registrar may, with the approval of the Treasury, direct: and

(d) report their proceedings to the chief registrar as he may direct.

(3.) An assistant registrar for Scotland or Ireland shall not refuse to record any rules or amendments of rules which have been registered by the central office.

Salaries
and
expenses.

5. The Treasury shall, out of money to be provided by Parliament, pay to the chief and assistant registrars such salaries or other remunerations, and such sums of money for defraying the expenses of office rent, salaries of assistants, clerks, and servants, remuneration for actuaries, accountants, and inspectors, computation of tables, publication of documents, diffusion of information, expenses of prosecutions, travelling expenses and other allowances of the chief or any assistant registrar, and other expenses which may be incurred for carrying out the purposes of this Act, as the Treasury may allow.

Report of
the chief
registrar.

6. The chief registrar shall every year make a report of his proceedings and of those of the assistant registrars, and of the principal matters transacted by him and them and of the valuations returned to or caused to be made by the registrar during the year preceding, and that report shall be laid before Parliament.

Reports of
chief
registrar.

The report of the chief registrar, which has been published annually, contains a large amount of information useful to members of or persons interested in friendly societies and other societies registered under the Friendly Societies Acts. It deals with all the principal matters which come under the care of the central office, relating to the societies above mentioned and also with industrial and provident societies, building societies, trade unions, certified loan societies, trustees savings banks, railway savings banks, and certain scientific and literary societies certified for exemption for rates. As well as

proceedings of the registrar under the Workmen's Compensation Act, 1897 (60 & 61 Vict. c. 37), s. 3. SS. 7, 8.

7. All documents by this Act required to be sent to the registrar shall be deposited with the rules of the societies to which the documents respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as the chief registrar may direct. *The registry office.*
Deposit of documents.

This section is wider than s. 14 (6) of the F.S.A., 1875, which it reproduces, in requiring the deposit of all documents required by the Act to be sent to the registrar. It extends the requirements as to registering and recording to amendments of rules, lists of officers, special resolutions, branch rules and notices: as the extension accords with the practice of the central office, the practical result is to extend the registrar's power of making "observations" on deposited documents. The records of each society and branch are thus rendered complete by recording the principal events in their history; the documents which have to be sent to the registrar to be registered or recorded are—amendments of rules, ss. 13 (1), 19; changes of registered office, s. 24 (1); appointments of new trustees, s. 25 (3); special resolutions as defined by the Act, s. 75; and instruments of dissolution, s. 79 (5). The annual returns and quinquennial valuations which by ss. 27 and 28 are required to be sent to the registrar are also registered. With the exception of special resolutions, the documents above referred to have also to be registered in the case of branches. Matters to be registered.

Registry of Societies.

S. 8.

8. The following societies may be registered under this Act:— *Registry of societies.*

(1.) Societies (in this Act called friendly societies) for the purpose of providing by voluntary subscriptions of the members thereof, with or without the aid of donations, for— Societies which may be registered.

- (a) the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers, or sisters, nephews or nieces, or wards being orphans, during sickness or other infirmity, whether bodily or mental, in old age (which shall mean any age after fifty) or in widowhood, or for the relief of or

S. 8.**Registry of societies.**

- maintenance of the orphan children of members during minority ; or
- (b) insuring money to be paid on the birth of a member's child, or on the death of a member, or for the funeral expenses of the husband, wife, or child of a member, or of the widow of a deceased member, or, as respects persons of the Jewish persuasion, for the payment of a sum of money during the period of confined mourning ; or
- (c) the relief or maintenance of the members when on travel in search of employment, or when in distressed circumstances, or in case of shipwreck, or loss or damage of or to boats or nets ; or
- (d) the endowment of members or nominees of members at any age ; or
- (e) the insurance against fire, to any amount not exceeding fifteen pounds, of the tools or implements of the trade or calling of the members.

Provided that a friendly society which contracts with any person for the assurance of an annuity exceeding fifty pounds per annum, or of a gross sum exceeding two hundred pounds, shall not be registered under this Act :

Classes of societies distinct.

The five classes of societies enumerated in this section are treated as distinct, and a society of one class cannot at the same time belong to another, except that a specially authorised purpose may be combined in the rules of a society with any of the purposes mentioned in the first four subsections.

Meaning of "voluntary."

The epithet "voluntary," as applied to subscriptions in the legislation relating to friendly societies, has always been interpreted by the registry office in its ordinary sense as the antithesis of "compulsory," and not in the legal sense of that which is gratuitous or without consideration. The expression as here used has not received any judicial interpretation, but it has been held (*re New University Club*, 18 Q. B. D. 720) that the entrance fees and subscriptions paid to a member's club, being paid in consideration of the right to enjoy the benefits and privileges of the club, were not "funds voluntarily contributed" within the meaning of the Customs and Inland Revenue Act, 1885 (48 & 49 Vict. c. 51), s. 11 (6), and the expression "voluntary contributions" in the Scientific Societies Act, 1843 (6 & 7 Vict. c. 36), s. 1, has been interpreted by the House of Lords as meaning contributions which are not "not compulsory" but gratuitous, without money or other

consideration: *Overseers of the Savoy v. Art Union of London*, 1896, A. C. 296. In this last case Lord Herschell said (p. 310), "If a hospital were established on co-operative principles, each contributor being entitled to claim medical treatment there, and the inmates being confined to contributors, I should say that it was not supported by 'voluntary contributions,' even though there was nothing to compel any person to become a contributor, and he might cease to be so at any time he pleased." If this *dictum* of Lord Herschell be correct, and this interpretation of the word "voluntary" be applied to the word in this Act, it would appear that no friendly society would be capable of being registered under this Act; it would therefore appear that the meaning hitherto given to the word in this Act is correct, and that subscriptions to a friendly society are to be voluntary in the sense that they are not compulsory, an interpretation which is emphasized by the provision of s. 23, that the subscriptions are in general not recoverable at law. It follows, then, from this interpretation, that societies where the subscriptions are compulsory, *e.g.* benefit societies attached to commercial establishments where subscription is a condition of employment, are incapable of being registered under the Act.

s. 8.

Registry of
societies.

A society is a friendly society under this section, although it may not include in its objects all the objects here stated, provided its objects are substantially the same as those in the Act: *Knowles v. Booth*, 32 W. R. 432. On the other hand, a society being a trade union, though some of its rules provide for allowances in cases of sickness, infirmity, want of employment, and other benefits, is at common law an illegal association, because its objects are partly in restraint of trade, and cannot avail itself of the Friendly Societies Acts: *Old v. Robson*, 38 W. R. 415; so, too, in the case of a society in the nature of a benefit society some of whose rules are in restraint of trade: *Duke v. Littleboy*, 28 W. R. 977. See also *Hornby v. Close*, L. R. 2 Q. B. 153; *Furrer v. Close*, L. R. 4 Q. B. 632.

Where the general objects of a society are legal, *e.g.* for the relief of members when disabled by age or accident, or when out of employment, the fact that some of its rules are illegal as being in restraint of trade, does not make the society an illegal one or prevent a member from recovering a sum of money payable to him under a rule of the society which is not illegal; and the rules of such a society made *bonâ fide* to protect its funds are not illegal because they are incidentally to some extent in restraint of trade, provided they go no further than is necessary for that purpose: *Swaine v. Wilson*, 24 Q. B. D. 252.

The relief of sickness is one of the most usual purposes of a friendly society, and the term "sickness" will include mental ailments as well as bodily unless the rules are so framed as to expressly exclude them. Thus insanity has been held to be included in the rules of a society which provided for relief during "any sickness or accident" except certain excluded cases, insanity not being one: *Burton v. Eydin*, L. R. Sick-ness" includes insanity.

s. 8. 8 Q. B. 295; so, too, where the object of the society is to afford "the usual aid in the case of sickness:" *Church v. Great Southern Sick and Burial Society* (Liverpool Mercury, July 12, 1890). As to the moneys which a pauper lunatic is entitled to receive as a member of a friendly society, see p. 161.

Registry of societies.

Objects of benefits.

Where a society, formed under 13 & 14 Vict. c. 115, s. 2 (1), insured a sum payable to the widow of the assurer, and if there should be no such widow then to the child or children of the assurer living at his death, and if there should be no such child then to the executors, administrators, and assigns of the assured, it was held that the policy was not void so far as related to the widow and children of the assured because they were not named by name in the policy as required by the Life Insurance Act, 1774 (14 Geo. 3, c. 48), s. 2: *Re Atkinson*, 39 S. J. 655.

The relatives of a member may be objects of the benefit for which he contracts, but the relatives must be legal relatives, and the words "wife and children" will not include a reputed wife or illegitimate children. But in a case before a stipendiary magistrate, it was held that it would be competent for a society as an insurance society to recognise a deceased wife's sister and her children as if they were lawful wife and children, and if there was evidence of intention to do so, such as receiving contributions for thirty-eight years without objection, the society might be forced to pay: *Corner v. Oddfellows Friendly Society*, 46 J. P. 809. The expression "widow" in a policy is not confined to the person who was the wife of the insured at the time that a policy is taken out, any more than "children" is so limited: *Re Atkinson*, 39 S. J. 655.

Out of employment.

A law clerk, in 1875, became a member of a society which provided for a permanent allowance to a member who should be permanently prevented from following his customary employment; he fell into ill-health and became a collector to a brewery, and was off and on a collector or a merchant's clerk until he was finally incapacitated. It was held that his customary employment being that of a law clerk he was entitled to a permanent allowance: *Manchester Law Clerks Society v. Wilson*, 52 J. P. 276.

Minors.

As to members who are minors, see s. 36.

Married women.

The Act in speaking of husbands of members, contemplates the membership of married women, but does not otherwise make any special reference to them. The Married Women's Property Act, 1882 (45 & 46 Vict. c. 75), refers to the interests of a married woman in any friendly, benefit, or loan society, dealing with the interest to which a married woman was entitled at the commencement of the Act (s. 6), or which should be transferred to her afterwards (s. 7), or which should be standing in the joint names of herself and others, either at the commencement of the Act (s. 8), or afterwards (s. 9). The Act further deals with fraudulent investments in the funds of any friendly, benefit, or loan society with the money of the husband (s. 10), and

provides that questions between husband and wife as to such property are to be decided in a summary way (s. 17).

S. 8.

The proviso to this subsection must be read in connection with s. 102, which exempts societies established before August 15, 1850, from this restriction; see also s. 41. The granting of annuities by a society, though not especially mentioned as a purpose, must be treated as inferentially at any rate within the Act, cf. s. 16; for annuities may be considered as a form of endowment or, in the case of deferred annuities, of relief in old age, *i.e.* after fifty. The limit of annuity assurable is £50, but if a society assure annuities exceeding £30 it loses its right to exemption from income tax, see p. 51.

Registry of societies.

Annuities.

If a scheme certified under the Workmen's Compensation Act, 1897, provides for payment of compensation by a friendly society, this proviso does not apply to such society in respect of such scheme: 60 & 61 Vict. c. 37, Sch. I. (15).

Workmen's compensation.

(2.) Societies (in this Act called cattle insurance societies) for the purpose of insurance to any amount against loss of neat cattle, sheep, lambs, swine, horses, and other animals by death from disease or otherwise:

It is to be noticed that only loss by death can be the object of insurance in a registered society of this class; there is no limit to the amount of the insurance which may be effected.

The words "and other animals" are new; it is probable that the words must be construed to include only animals *ejusdem generis* with and not of a quality different from those specifically enumerated, in which case there will be no great enlargement of the objects which a society of this class can insure; though formerly only the animals specifically enumerated could be insured, it is conceived that now a society could insure also asses, mules, or goats, if they were included in the objects of insurance by the society.

Societies of this class are exempt from valuation, s. 28 (4), and have the advantage of the privileges conferred by s. 31; but they are subject to the obligation of keeping separate accounts (Sch. I.), and generally to the provisions of the Act.

(3.) Societies (in this Act called benevolent societies) for any benevolent or charitable purpose:

According to the interpretation put by the registry office on this definition, taken in connection with that of "friendly societies" in subs. (1), the essential feature of a benevolent society must be that it is substantially established for the purpose of providing benefits for persons other than the members, their wives or relatives: R. C. R. (1879) 5. The purpose must be specified, the society cannot provide for purposes of general benevolence.

Meaning of the term.

Benevolent societies cannot hold more than an acre of land at any

s. 8.

Registry of
societies.

one time, s. 47 (2), and cannot be registered with a rule for dividing their funds, s. 15; their members have no power of nomination, s. 56 (1); they are exempt from valuation, s. 28 (4); but there is no limitation put on the amount of the grants they may make, whether by way of annuity or of a gross sum; they are exempt from the operation of the Charitable Trusts Act, 1853 (16 & 17 Vict. c. 137), by s. 62 thereof, if they are wholly maintained by voluntary contributions.

Societies
under
former
Acts.

Societies of this class that have been formed under repealed Acts previously to 1875 without being separately classified must take steps to be registered under this class, or otherwise they are not entitled to the privileges which this Act confers on them, such as exemption from valuation.

(4.) Societies (in this Act called working men's clubs) for purposes of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation :

The registry office have held that one of the purposes specified is sufficient to entitle a working men's club to registration.

Societies of this class are exempt from valuation, s. 28 (4), they cannot be registered with a rule for dividing their funds, s. 15, and their members have no power of nomination, s. 56 (1).

(5.) Societies (in this Act called specially authorised societies) for any purpose which the Treasury may authorise as a purpose to which the provisions of this Act, or such of them as are specified in the authority, ought to be extended.

Provided that where any provisions of this Act are so specified, those provisions only shall be so extended.

A society authorised by the Treasury is not obliged to be registered under the Companies Act, 1862 : *Peat v. Fowler*, 34 W. R. 366.

Special
authorities
granted.

The following is a list of the purposes authorised by the Treasury, under the same power in the F.S.A., 1875, with the dates at which the authority was granted, and such authorities are still in force.

- (1.) 16th May, 1876. To create funds by monthly or other subscriptions to be lent out to, or invested for, the members of a society, or for their benefit, pursuant to the Friendly Societies Act.
- (2.) 20th March, 1877. Assisting members out of employment.
- (3.) 22nd March, 1877. Protecting and defending members of any lawful trade or calling against frivolous, vexatious, or malicious prosecutions, and in cases of robbery and other crimes, affording them legal or other assistance for the detection and prosecution of the offenders.

- (4.) 23rd March, 1877 (modified in 1891). Promoting agriculture or horticulture. S. 8.
- (5.) 23rd March, 1877, as modified in 1883. To promote thrift among the labouring classes by affording them the opportunity of depositing their savings, and receiving interest on the same. *Registry of societies.*
- (6.) 31st January, 1878. Guaranteeing, pursuant to 38 & 39 Vict. c. 60, s. 20, the performance of their duties by officers of friendly societies or branches.
- (7.) 6th April, 1878. The playing the game of quoits.
- (8.) 5th July, 1878. The promotion of literature, science, and the fine arts.
- (9.) 3rd October, 1879. The promotion of a knowledge of music.
- (10.) 1st June, 1882. The receipt of the funds of friendly societies, and branches thereof, and the investment of the same for their benefit.
- (11.) 18th December, 1883. Enabling persons of the Jewish religion to provide for the due celebration of the Passover, and for the expense incurred at Passover.
- (12.) 24th March, 1888. The encouragement and promotion of the riding of bicycles and similar machines.
- (13.) 10th April, 1890. The promotion of education.
- (14.) 4th March, 1891. The promotion of the science and art of cookery.
- (15.) 27th February, 1893. Providing the members with legal and other assistance when claiming compensation under the Employers' Liability Acts.
- (16.) 8th May, 1893. The mutual protection and promotion of the interests of friendly societies.
- (17.) 15th June, 1893. The promotion of the pursuit of angling.

As to No. 15, the Lords of the Treasury observed, "It will be for the legal advisers of the society to see that it does not offend against the law relating to maintenance and champerty."

A society having objects not specified in or authorised under this section, and desiring to be registered under the Act, should apply to the Treasury, either directly or through the chief registrar, for the grant of a special authority under which registration could be made. The application should be on foolscap paper, should state fully the objects of the society, and be accompanied by a copy of the proposed rules. The applicants would have to show that a society was already formed or in course of formation, and be prepared to state why they sought registration under this Act and not under any other.

Where a society is a specially authorised society to which only certain specified provisions of the Act are to be extended, such specification shall be inserted in the acknowledgment of registry of the society or of any complete amendment of rules. Where a society combines with any specially authorised purpose any of the purposes specified in s. 8 of the Act, such society shall not, in respect of any

Applications for special authority.

Provisions extended to specially authorised societies.

S. 8.

Registry of
societies.

of its purposes, be entitled to any privilege or exemption of the Act not contained in the provisions specified in the authority, but shall be subject in respect of every purpose other than the specially authorised purpose to all the duties and obligations of the Act, whether contained in such specified provisions or not: T. R. 3. The acknowledgment of registry of a specially authorised society shall be in Form A2 (p. 201): T. R. 4.

The Treasury has extended only certain specified provisions of the Act to societies registered under all the special authorities above enumerated other than the tenth and sixteenth; the variation of the Form A2 for the most frequently used authority (No. 1) is given on p. 197.

WHETHER
FRIENDLY
SOCIETY A
CHARITY.

Whether or not a friendly society is a charity, or whether a bequest in aid of its funds is a bequest for charitable purposes, seem to be questions which must be decided by a consideration of the nature and objects of the society; a comparison of the following cases seems to show that friendly societies, at least where poverty is an ingredient in the qualification required for the receipt of the benefits, are charitable institutions. But on the meaning of the words "charitable purposes," see *Commissioners of the Income Tax v. Pemsel*, 1891, A. C. 531.

A society whose members were to provide by subscriptions and fines a fund to be distributed for their mutual benefit in sickness, lameness, or old age, poverty not being a necessary accompanying circumstance, is not a charitable institution so as to enable any part of its funds to be applied *cy-près* on the dissolution of the society: *Re Clark's Trust*, 1 C. D. 497.

A society founded for the benefit of widows and children of members is not a charity: *Mitchell v. Burness*, 5 Rett. 954; nor is a society established for the purpose of raising, by subscriptions, fines, and forfeitures, a fund for the relief of widows of members a charity, even though some of its honorary members have agreed that their widows should not participate in its benefits: *Cunnack v. Edwards*, 1896, 2 Ch. 679.

But where a society managed a fund which was provided partly by subscriptions and partly by donations of non-members, and poverty was an ingredient in the qualification of members who were to receive the benefits of the society, upon the society ceasing to exist it was held by Jessel, M.R., that the whole fund, whether arising from subscriptions or voluntary contributions, was dedicated to charitable purposes, and was applicable *cy-près*: *Spiller v. Maude*, 32 C. D. 158 n.

A society established to provide, by subscriptions, contributions, and fines, an "invested fund" for the relief, by means of annuities, of members, their widows, and children, if in distressed circumstances, was held to be a charity: *Re Buck*, 1896, 2 Ch. 727. Cf. also *Anon.* 3 Atk. 277.

A fund was raised by voluntary subscription for the relief of suffering occasioned by a certain colliery accident, and a part of the surplus,

after the special object had been provided for, was vested in trustees, who paid the income to a friendly society, whose objects were to benefit miners by defraying funeral expenses, supporting the families of those disabled, and paying a sum at death. Upon an application by the surviving trustee of the fund to transfer it to the trustees of the society for the general purposes thereof, it was held that the society was a charity, and the fund was ordered to be transferred to the society, to be applied in accordance with its rules for the relief of suffering occasioned by colliery accidents, and for no other purpose: *Pease v. Pattinson*, 32 C. D. 154.

S. 8.

Registry of societies.

A friendly society is exempted from the operation of the Charitable Donations Registration Act, 1812 (52 Geo. 3, c. 102), by s. 12 thereof, and of the Charitable Trusts Act, 1853 (16 & 17 Vict. c. 137), by s. 62 of that Act.

Besides the societies which are registered under this Act, and enjoy the privileges thereby conferred, the Act takes some notice of societies which are not registered under it. Thus, with regard to the benefits it assures to militiamen and volunteers, an unregistered society is subject to the provisions of s. 43; those unregistered societies and industrial assurance companies which insure payments on the death of children are subject to ss. 62-66, and those which are what is termed collecting societies are subject to the provisions of the C.S.A.

But apart from this Act and the C.S.A. it is difficult to define and determine the exact status and position of an unregistered friendly society. The Companies Act, 1862 (25 & 26 Vict. c. 89), s. 4, enacts that no company, association or partnership consisting of more than twenty persons shall be formed, after the commencement of the Act [*i.e.* the 2nd of November, 1862], for the purpose of carrying on any business which has for its object the acquisition of gain by the company, association or partnership, or by the individual members thereof, unless it is registered as a company under the Act, or is formed in pursuance of some other Act of Parliament. In *Jennings v. Hammond*, 9 Q. B. D. 225, a mutual benefit society, and in *Shaw v. Benson*, 11 Q. B. D. 563, a loan society, were held to be illegal, under the above section, for want of registration, and so unable to maintain an action; whilst, on the other hand, an association formed before the Act does not require to be registered: *Shaw v. Simmons*, 12 Q. B. D. 117. Again, the courts have, at the instance of an unregistered company, restrained the registration of a projected new company which was intended to carry on the same business under a similar name: *Hendriks v. Montagu*, 17 C. D. 638. In this last-mentioned case the plaintiff company was formed prior to the Companies Act, 1862; but whether an unregistered association formed subsequently could maintain a similar action is doubtful. It would seem that an unregistered friendly society would not be illegal for want of registration under the Companies Act, 1862, as it is not an association carrying on business having for its object the acquisition

UNREGIS-
TERED
SOCIETIES.

Status of.

S. 8. of gain; but this point cannot be considered free from doubt, as it has been held that a mutual marine insurance association, though it had not for its object the acquisition of gain by the association, had for its object the acquisition of gain by the individual members, so that if not registered under the Companies Act, 1862, it was illegal: *Re Padstow Total Loss and Collision Assurance Association*, 20 C. D. 137; *Re Arthur Average Association*, 10 Ch. 542.

Registry of societies.

Whether an unregistered friendly society can be considered to be a partnership is doubtful; it was so called in *Beaumont v. Meredith*, 3 V. & B. 180: and in *Silver v. Barnes*, 6 Bing. N. C. 180, a mutual benefit society, and in *Lloyd v. Loaring*, 6 V. 773, a lodge of free-masons, were held to be partnerships; but see the definition of a partnership in the Partnership Act, 1890 (53 & 54 Vict. c. 39), s. 1. The Court of Appeal held that an unregistered society was not a common law partnership but an association of persons who had agreed to pay money into a common fund to be paid out under certain conditions: *Oldham Our Lady's Sick and Burial Society v. Taylor*, 3 T. L. R. 472. An unregistered friendly society seems to partake of the character of a club or voluntary society, and it must be noticed that the members of a political and social club: *Fleming v. Hector*, 2 M. & W. 172, and the members of a society "for the protection of trade:" *Caldicott v. Griffiths*, 8 Ex. 898, were held not to be partners: cf., too, *Todd v. Emly*, 8 M. & W. 505, and *Re St. James' Club*, 2 D. M. & G. 383, where it was held that a club was not a partnership within the meaning of the Winding-up Acts. See also *Murray v. Johnstone*, 33 Sc. L. R. 714.

Again, in certain circumstances it might be contended that an unregistered society fell within the Life Assurance Companies Act, 1870 (33 & 34 Vict. c. 61), in which case it would be subject to the onerous provisions imposed by that Act; it would apparently fall within the definition "life assurance company" in the Life Assurance Companies (Payment into Court) Act, 1896 (59 Vict. c. 8), s. 2.

Property of.

But even if an association such as an unregistered friendly society be illegal for want of registration under the Companies Act or otherwise, it is not criminal, and its individual members can be joint beneficial owners of property, so as to be entitled to the protection afforded to the property of such an association by the Larceny Act, 1868 (31 & 32 Vict. c. 116), s. 1, which does not extend to Scotland, and provides: "If any person be a member of any copartnership, or being one of two or more beneficial owners of any money, goods or effects, bills, notes, securities or other property, shall steal or embezzle any such money, goods or effects, bills, notes, securities or other property of or belonging to any such copartnership or to such joint beneficial owners, every such person shall be liable to be dealt with, tried, convicted, and punished for the same as if such person had not been or was not a member of such copartnership or one of such beneficial owners:" *R. v. Tankard*, 1894, 1 Q. B. 548, and cf. *R. v. Stainer*, L. R. 1 C. C. 230;

but an association having for its object not the acquisition of gain but the spiritual and mental improvement of its members is not a "copartnership" within the meaning of the above section: *R. v. Robson*, 16 Q. B. D. 137. SS. 8, 9.
Registry of
societies.

Thus the anomalous position which an unregistered society seems to occupy points out the desirability of such a society obtaining incorporation or a definite status by registration under this or some other Act. As to the right of a majority of the members of an unregistered society to determine on registration and control the funds, see *Oldham Our Lady's Sick and Burial Society v. Taylor*, 3 T. L. R. 472; *M'Kenny v. The Mayor and Corporation of Barnsley*, 10 T. L. R. 533. As to the right of a member of a voluntary association to retire therefrom, see *Finch v. Oake*, 1896, 1 Ch. 409; *Maitland's Case*, 4 D. M. & G. 769, 775.

9.—(1.) A society shall not be registered under this Act unless it consists of seven persons at least. Conditions
of regis-
tration.

Registration under this Act is purely voluntary, and except to specially authorised societies gratuitous. All the associations which are permitted to be enrolled under this Act might, if they preferred it, obtain incorporation by registration under the Companies Act. If after registration under this Act the society prefers to become incorporated under the Companies Act, that end can be attained by a conversion under s. 71.

Seven persons is the number required for the registration of a friendly society, being the same as is required for registration of a joint stock company (25 & 26 Vict. c. 89, s. 6), a trade union (34 & 35 Vict. c. 31, s. 6), and an industrial and provident society (56 & 57 Vict. c. 39, s. 5); though three is sufficient in the case of a loan society under the Loan Societies Acts, 1840 (3 & 4 Vict. c. 110, s. 4), or a building society (37 & 38 Vict. c. 42, s. 17). It would seem that if the number of members fell below seven the society would not cease to exist or lose its rights, though if there were less than three it could hardly be said to exist, as the signature of three members is necessary to an amendment of rules. Limits to
a number of
members.

The law does not impose a maximum limit on the number of members, or any conditions as to their admission, except the limit of age stated in s. 36: these matters, if necessary or desirable, must be regulated by the rules of the society.

(2.) For the purpose of registry there shall be sent to the registrar an application to register the society, signed by seven members and the secretary, and copies of the rules, together with a list of the names of the secretary and of every trustee or other officer intended to be authorised to sue and be sued on behalf of the society.

s. 9.

Registry of
societies.

Applica-
tion to
register.

Secretary.

Every application to register a society shall be in Form A (p. 198) : T. R. 3. It must be sent to the registrar of the country in which the registered office of the society is intended to be. In Form A itself are indicated the necessary modifications to be made for the different classes of societies, and the documents which should accompany the application. The rules must be printed.

The secretary need not be a member of the society, but if he is the signatures of seven other members will be necessary. As there is nothing in the Act to show that the Legislature intended anything special as to the mode of signature of the application, the ordinary rule would apply that signature by an agent is sufficient, see *Re Whitley Partners Ltd.*, 32 C. D. 337, and compare *Dennison v. Jeffs*, 1896, 1 Ch. 611. It would not be necessary that the authority to sign should be given by deed; and though it would be irregular for A to sign B's name without denoting that it was signed by A as his attorney, the signature would not on that ground be invalid: *Re Whitley Partners, Ltd.*, 32 C. D. 337.

Trustees,
etc.

As to resolutions appointing trustees and officers to sue and be sued, see s. 25. It is not necessary to appoint such last-mentioned officers; the society can still sue and be sued through the medium of the trustees: s. 94. The power of appointing officers for the purpose is to meet the objection of the trustees of some societies at being mixed up in legal proceedings.

(3.) The rules of the society so sent shall, according to the class in which the society is to be registered, contain provisions in respect of the several matters mentioned in the First Schedule to this Act.

As to the matters to be contained in the rules, see Sch. I. and notes thereto.

Model rules for friendly societies have been prepared by the central office: see Appendix. The use of such model rules is not compulsory, but it tends to expedite registry, as the registrar has not to consider whether a rule is or is not contrary to the provisions of the Act if he sees it to be in the office form.

There is no registry of rules as apart from the registry of the society: the society is registered with certain rules, and unless they are in conformity with the provisions of the Act the registrar refuses to register the society.

(4.) If the list is signed by the secretary and every trustee and other officer named therein, it shall on the registry of the society be evidence that the persons so named have been duly appointed.

This subsection is new: the list referred to is the list of the names

of the secretary and of every trustee or other officer mentioned in subs. 2 which has to accompany the application to register. This provides for evidence of the appointment of officers in the registration of the society similar to that required on the appointment of new trustees or other officers under s. 25. The list so signed is *prima facie* evidence only of the due appointment of the officers so signing, but such evidence may be rebutted.

ss. 9, 10.

Registry of societies.

10. A society shall not be registered under a name identical with that under which any other existing society is registered, or so nearly resembling that name as to be likely, or in any name likely, in the opinion of the registrar, to deceive the members or the public as to its nature or its identity.

Name of society.

Similar provisions are in force with regard to companies (25 & 26 Vict. c. 89, s. 20), trade unions (34 & 35 Vict. c. 31, s. 13 (3)), building societies (37 & 38 Vict. c. 42, ss. 17, 22), and industrial and provident societies (56 & 57 Vict. c. 39, s. 5). The power of deciding as to the name lies with the registrar, in the first instance, subject to an appeal against his refusal to register: s. 12. The litigation that has occurred under the Companies Acts in similar cases renders this provision an important one in protecting the funds of societies. The object of the section is also to prevent a society from being registered in a name likely to deceive as to its identity, or to disguise its real character.

Name.

“Existing” means existing at the date of the application for registration, and not at the passing of the Act: cf. *Re Fourth South Melbourne Building Society*, 9 Vict. L. R., Eq. 54.

This section applies only to the case of a society seeking to be registered under the same or a similar name to that of a registered society, and not to a society which proposes to take a name the same or nearly resembling that of an established society which is unregistered. The Act forbids registration in the same or a similar name, whether the nature of the society is the same or not. The chief registrar possesses a further power peculiar to his jurisdiction of refusing to register a society under any name, whether that of an existing society or not, which would be likely in the opinion of the registrar to deceive as to its identity. The court will not order registration if the opinion of the registrar is genuine: cf. *Re Fourth South Melbourne Building Society*, *ubi sup.*

An unregistered society could not restrain registration by another society under the same or a similar name unless they could found their case upon the fact that they would suffer injury by the use of the name; in such a case they would have to rely upon the general law, and not on the section: *Hendriks v. Montagu*, 17 C. D. 638. It seems, however, hardly likely that such a case should arise, and

SS. 10, 11. the wide powers conferred by the Act upon the chief registrar are calculated to be of great benefit in the cause of friendly societies. If by inadvertence or otherwise a society were registered under an identical or similar name, the injured society would be entitled to restrain them from carrying on business under that name, if it were proved that that name were calculated to deceive: cf. *Merchant Banking Co. v. Merchants' Joint Stock Bank*, 9 C. D. 560.

Registry of societies.

Where two sections of an unregistered society claimed registration under the old name, the registrar was right in refusing to register either until the legal status of the applicants had been determined: *R. v. Registrar of Friendly Societies*, L. R. 7 Q. B. 741.

This section does not apply to branches, the question of identity or similarity of name being a matter which concerns only the society to which the branch belongs.

As to change of name and the formalities necessary in connection therewith, see s. 69.

As to the name of a collecting society, see C.S.A., s. 9.

Acknowledgment of registry.

11. The registrar, on being satisfied that a society has complied with the provisions of this Act as to registry, shall issue to that society an acknowledgment of registry specifying the designation of the society, according to the classification set forth in this Act, and this acknowledgment shall be conclusive evidence that the society therein mentioned is duly registered, unless it is proved that the registry of the society has been suspended or cancelled.

Forms of acknowledgment of registry.

The acknowledgment of registry corresponds to the certificate of incorporation of joint-stock companies; for forms of acknowledgment, see Sch. II., and in the case of specially authorised societies the Form A2 (p. 201): T. R. 4; see also s. 8 (5) note.

The classification referred to is that contained in s. 8; it is necessary that the designation of the society should be specified for the purpose of defining the provisions of the Act which apply to it.

No fee is payable for acknowledgment of registry except in the case of a specially authorised society: s. 96 (2).

An acknowledgment of registry is affixed to each copy of the rules sent to the registry office: the acknowledgment bears and is authenticated by the seal of the central office in the case of a society or branch registered in England, and in the case of a society or branch registered in Scotland or Ireland the signature of the assistant registrar for those countries respectively: see ss. 2 & 4.

The acknowledgment is conclusive evidence that the society is duly registered, i.e. that all matters essential to registration have been complied with: cf. *Peel's Case*, 2 Ch. 674; *Oakes v. Turquand*, L. R.

2 H. L. 354. Under the old law it was held that the registrar's certificate was conclusive as to the character of the society, so as to entitle it to treatment as a friendly society: *Pare v. Clegg*, 29 Beav. 589, or as to the society being in conformity with the Act, and therefore entitled to the benefits conferred thereby: *Hodges v. Wale*, 2 W. R. 65; but it did not prevent an inquiry into the legality of the society or its rules, so that evidence might be admitted to show that the society was not a society within the provisions of the Act: *R. v. Davis*, 1866, W. N. 24.

SS. 11, 12,
13.

Registry of
societies.

The effect of acknowledgment is to bring the rules into operation, but does not prevent future inquiry as to their legality: *Davie v. Colinton Friendly Society*, 8 Sc. L. R. 100. Similarly, the fact that a branch has been registered does not preclude the county court judge on the hearing of a dispute from receiving evidence that the branch has seceded from the society: *Wilkinson v. Jagger*, 36 W. R. 169.

Effect of
acknow-
ledgment.

On the hearing of an indictment for embezzlement against the secretary of a society the case was dismissed for want of proof of the registration of the society, the judge holding that the prosecution could have obtained the proper evidence from the registry office: *R. v. Kew*, F. S. Cas. 242.

12.—(1.) From a refusal to register a society an appeal shall lie as follows:—

Appeals
from
refusal to
register.

(a.) If the assistant registrar for Scotland or for Ireland refuses to register, the society may appeal to the chief registrar, and if he refuses, to the Court of Session in Scotland, or to the High Court in Ireland:

(b.) If the central office refuse, the society may appeal to the High Court in England.

(2.) If the refusal to register is overruled on appeal, the registrar shall give an acknowledgment of registry to the society.

The appeal to the chief registrar from the assistant registrar was introduced by the F.S.A., 1895.

No appeal from a refusal of the chief registrar has, it is believed, ever yet been made. It would appear, however, that such an appeal, if necessary, would be by way of an application for mandamus.

13.—(1.) An amendment of a rule made by a registered society shall not be valid until the amendment has been registered under this Act, for which purpose copies of the amendment, signed by three members and the secretary, shall be sent to the registrar.

Registry'
of amend-
ments of
rules.

S. 13.

Registry of societies.

Partial and complete amendment.

An amendment of the rules may be either a partial amendment or a complete amendment. A partial amendment consists of the addition of a new rule or rules, or part of a rule or rules, to the existing rules, or the substitution of a new rule or rules, or part of a rule or rules, for any of the existing rules or any part thereof, or a rescission of any of the existing rules, or any part thereof, without any substitution or more than one or all of these modes. A complete amendment consists of the substitution of an entire set of rules for the existing set of rules and bearing at the beginning the words "all previous rules rescinded": T. R. 5.

Procedure. Every application to register an amendment of rules must be accompanied by a statutory declaration in Form C (p. 202). In the case of a partial amendment, the application, which is in Form B (p. 201), must also be accompanied by a printed copy of the existing rules, marked to show where the alterations occur and what they are, and also by the following documents, each copy being signed by three members and the secretary: (a) if the partial amendment consists of the addition or substitution of a new rule or rules, or part of a rule or rules, two copies of such new or amended rule or rules, or two copies of the whole of the rules with such new rule or rules printed in *italics* or in such other distinctive form as the registrar may require; (b) if the partial amendment consists of the rescission of any of the rules without any substitution, two copies of the resolution for such rescission: T. R. 6. In the case of complete amendment, the application, which is in Form D (p. 203), must also be accompanied by a printed copy of the existing rules, and by two copies of the new rules, each copy being signed by three members and the secretary: T. R. 7.

A registrar may refuse to register a partial amendment of rules, and require a complete amendment, if in his opinion the condition of the registered rules renders it expedient, and may also require fair printed copies of rules or amendments of rules for registry: T. R. 7.

It is to be noticed that the form of application to register a complete amendment of rules (Form D) is almost the same as that (Form A) to register a society for the first time under the Act.

The application to register an amendment of rules must be sent to the registrar of that part of the United Kingdom in which the society is registered.

Practice of central office.

It is the practice of the registrar to decline to register amendments of rules of independent societies until the provisions of the Act in respect of valuation have been complied with, in default of which suspension or cancellation of registry takes place in addition: R. C. R. (1891) 10.

When proceedings are taken for cancelling registry under s. 73, no application or declaration is required for any amendment of rules which may become necessary in connection therewith: s. 73 (4).

Effect of amend-

Registration is necessary to render the alterations in the rules valid; the former Acts required for the validity of the amendments that they

should be confirmed by justices and filed (33 Geo. 3, c. 54, s. 3; 10 Geo. 4, c. 56, s. 7), or certified by the registrar (18 & 19 Vict. c. 63, s. 27). S. 13.

There appears to be no obligation under the Act to register an amendment, but until it is registered neither the society nor any of its members can enforce it, their rights and obligations until then being determined by the rules in existence. The amendment takes effect from the date of registration: as to how far an amendment may be retrospective in its operation, see *infra*. Registry of societies.
—
ments un-registered.

Trustees elected according to new rules, which had not been confirmed, were held to be not lawfully elected, and unable to maintain an action: *Batley v. Townrow*, 4 Camp. 5.

Where a new set of rules was made and by inadvertence had not been confirmed, although the new rules had been acted on for over thirty years, it was held that they were invalid, but it was considered doubtful whether the old rules remained in force, as they had been abandoned: *R. v. Godolphin*, 8 A. & E. 338.

But in a later case it was held that where alterations were invalidly made the old rules remained in force: *R. v. Cotton*, 15 Q. B. 569. So also where the alterations in the rules had not been confirmed or certified: *Re Meredith and Whittingham*, 1 C. B. N.S. 216.

In one case a society which had ceased to act upon its registered rules was held to be dissolved, and unable to avail itself of the privileges of the Act: *Ex p. Norrish*, Jac. 162. But it would seem doubtful whether at the present time this would be the case.

In 1870 it was held that though the registrar's certificate was essential to the validity of the society's rules, it was no bar to a challenge of them in a court of competent jurisdiction: *Davie v. Colinton Friendly Society*, 9 Macph. 96; cf. *Laing v. Reed*, 5 Ch. 4. So, too, the mere fact that amended rules have been registered does not preclude the court from inquiring into the power of the society to make such amendments: *Souter v. Davies*, 15 R. 261. How far registration of amendments conclusive.

But, on the other hand, an amendment that has been registered is valid, notwithstanding any irregularity in the manner in which it was made, the registration being conclusive that the necessary preliminary steps have been duly taken to make the rule binding on the society and its members: *Dewhurst v. Clarkson*, 3 E. & B. 194; *Rosenberg v. Northumberland Building Society*, 22 Q. B. D. 373; cf. *Glover v. Giles*, 18 C. D. 173.

The rights of the members are to be determined by construction of the contract between them and the society which is contained in the rules; this contract cannot be altered to the prejudice of one party without his consent. Effects of amendments.

The question not infrequently arises as to the extent to which a member is bound by an alteration in the rules to which he has not assented. It would appear that alterations in the rules, if properly made in accordance with the rules, will be binding upon the members

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Registry of
societies.

admitted to the society before such alterations were made, except as to any relief, annuity, or other benefit from the funds of the society of which any member may be then in actual receipt. That this is the principle was the opinion of Lord Selborne, expressed in 1864, when Attorney-General.

This principle has been followed by the chief registrar in deciding those disputes which have been referred to him involving the point: *Caundle v. Bingham*, R. C. R. (1879) 17; *Davis v. Bird*, R. C. R. (1881) 25; *Prince of Wales Lodge v. Officers of Shields District*, R. C. R. (1883) 27; and it has received judicial confirmation in the case of *Souter v. Davies*, 15 R. 261, where it was held that a member in receipt of a benefit was not bound by an alteration in the rules which would have the effect of depriving him of all benefit, and to which he had not assented, although the society was founded under the Act of 1855, which gave express power of altering the rules. The principle was there stated thus, by Wright, J.: "Whatever power of alteration there may be, it cannot enable the society to repudiate an existing debt vested in a member, unless he has agreed to be bound by the alterations:" cf. also *Brownlie v. Russell*, 8 A. C. 235.

But it is otherwise if the member has entered into an express contract to be bound by any amendment. Thus, a member effected a policy wherein he agreed "to abide by the present rules and regulations of the society, and by any others hereafter certified by the registrar of friendly societies." After he had been for a long time in receipt of benefit the society passed a rule the effect of which, if binding on him, was to exclude him from further benefit. In an action to enforce further payments it was held that, as the contract expressly provided that the members should be bound by rules made from time to time, it could not be said that the new rules were *ultra vires*, and that therefore the plaintiff was bound by them: *Stooke v. Mutual Provident Alliance* (*Times*, Jan. 28, 1891); cf. *Wilson v. Miles Platting Building Society*, 22 Q. B. D. 381 n. A rule of a court of the A. O. F. provided that the objects and rules of the court should be carried into effect in conformity with and subject to the rules of the district and general laws of the order, and that the whole of the rules of the district and general laws, and any alterations and amendments thereof made and duly registered, should be applicable to the members of the court in the same manner as if the rules of the district and general laws were inserted in the rules of the court; under this rule it was held (*Cave and Vaughan Williams, JJ.*) that a benefit member was bound by an amendment of the general laws of the order which had the effect of depriving him of all benefit: *Dixon v. Thompson*, F. S. Cas. 46. See also *re Smith & Galloway*, 32 L. J. 555. 67

A society may, however, by its own act, be precluded from enforcing the contract with its members. On joining a society, a member signed a declaration as to his health, and agreed to forfeit all claims if such declaration should be proved false; it was false, and it was held

by a court of summary jurisdiction that the fact of the society receiving subscriptions from the member after discovering the truth showed an intention to condone the misstatement, and prevented the society from refusing, on the ground of misstatement, to give sick-pay when it was claimed: *Page v. Thomas*, F. S. Cas. 215.

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Registry of societies.

A member of an unregistered society had signed a declaration agreeing to be bound by the rules, by which the committee were authorised to pay death allowances to certain specified relatives in such proportions as the committee should determine, unless otherwise bequeathed by will, and the committee and the society were exonerated from further claim when once an allowance had been paid. It was held that the rules constituted the contract between the member and the society, and that the death allowance was not the property of the member during his life, and, in the absence of a bequest by will, was not assets for payment of his debts, so as to enable his administrator to recover it from the deceased member's sister to whom it had been paid by the society: *Ashby v. Costin*, 21 Q. B. D. 401.

Rules of unregistered societies.

The object of an unregistered friendly society was to enrol members for the purpose of contributing small sums for the benefit of relatives or nominees of members at their death. The rules provided for a levy to be made on the death of a member, and for the payment of the same, less the cost of the levy, to the nominee of the deceased member. G., a member in respect of whose death a sum of £148 8s. 1d. so levied was due, had, pursuant to the rules, nominated H. to receive all benefits which might be due on his behalf from the society. The sum was also claimed by the administrator of G.'s estate; but it was held by Kay, J., that the payment did not come out of the funds of the society, but was a contribution by the members for the benefit of the person nominated by G., and that practically it was equivalent to a contract by A. with B., that B. would on A.'s death pay to C. a certain sum of money, and therefore that the claim of the nominee must prevail: *Harris v. The United Kingdom Postal and Telegraph Service Benevolent Society*, 87 L. T. 272.

(2.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the amendment, and that acknowledgment shall be conclusive evidence that the amendment is duly registered.

For form of acknowledgment of registry of amendments of rules, see Sch. II. (pp. 143, 144).

No fee is payable for the registration of rules, or amendments of rules, except in the case of a specially authorised society: s. 96 (2).

The duty of the registrar is confined to considering whether the rules are bad or not for non-conformity with the terms of the Act,

SS. 13, 14. and he is bound to register them : *R. v. Brabrook*, 69 L. T. N.S. 718.
 ——— On the other hand, if he is aware that the alterations have not been
Registry of legally made, he cannot be compelled to register them : *R. v. Pratt*,
societies. 6 B. & S. 672.
 ———

(3.) The provisions of this Act as to appeals from a refusal to register a society shall apply to a refusal to register an amendment of a rule.

For these provisions, see s. 12 (1).

Registry of societies carrying on business in more than one part of the United Kingdom. **14.—(1.)** A society carrying or intending to carry on business in more than one part of the United Kingdom shall be registered in the part in which its registered office is situate; but the rules and registered amendments of rules of any such society shall be recorded by the registrars of the other parts, and for that purpose copies of the rules and amendments shall be sent to those registrars.

(2.) Until the rules are so recorded the society shall not be entitled to any of the privileges of this Act in the part of the United Kingdom in which the rules have not been recorded, and until the amendments of rules are recorded they shall not take effect in that part.

In this section, as elsewhere in the Act, the words “part of the United Kingdom” are substituted for “country,” wherever the last expression was used in the repealed Acts.

Procedure. An application to record in one part of the United Kingdom rules, or amendments of rules, registered in another, shall be made by the secretary or other officer of the society in Form E (p. 205), or F (p. 206), and shall be accompanied by two authenticated copies of such rules or amendments : T. R. 8. As to the meaning of “authenticated,” see p. 13.

Societies under former Acts. Where the society has been registered before the 1st of January, 1876, and seeks to have its rules recorded in Scotland or Ireland, copies of such rules are sent through the central office to the assistant registrar of the country in which the rules are to be recorded : s. 4 (2).

Rules or amendments of rules shall be recorded by writing at the foot or end of each copy the word “recorded,” and by affixing to the same the seal of the central office, or the signature of the assistant registrar for Scotland or Ireland as the case may be : T. R. 9.

The assistant registrars are bound to record any rules or amendments of rules sent to them for record by the central office : s. 4 (3).

There is no fee for recording of rules or documents already registered in another country : p. 131. ss. 14, 15, 16, 17.

As to the recording of rules of a society with branches in more than one country, see s. 17 (2).

Registry of societies.

A society may remove its registered office from one part of the United Kingdom to another, but will continue registered in the former part.

15. A society (other than a benevolent society or working men's club) shall not be disentitled to registry by reason of any rule for or practice of dividing any part of the funds thereof if the rules of the society contain distinct provision for meeting all claims upon the society existing at the time of division before any such division takes place. Registry of dividing societies.

The division must provide for all claims on the society as in the case of a voluntary dissolution: cf. s. 78 (1), and this must be provided for in the rules: Sch. I. 9.

16. A society assuring a certain annuity shall not be entitled to registry, unless the tables of contributions for the assurance, certified by the actuary to the National Debt Commissioners, or by some actuary approved by the Treasury, who has exercised the profession of actuary for at least five years, are sent to the registrar with the application for registry. Registry of societies assuring annuities.

The word "certain" is interpreted by the central office to mean that the annuity is to be certain in amount and also in its nature.

The obligation imposed by this section applies to all societies which assure a certain annuity to any person whatever, and not only to those societies which assure annuities to members.

If a scheme certified under the Workmen's Compensation Act, 1897, provides for payment of compensation by a friendly society, this section does not apply to such society in respect of such scheme: 60 & 61 Vict. c. 37, Sch. I. 15. Workmen's compensation.

Societies with Branches.

s. 17.

17.—(1.) Where a society has branches, the application for registry shall be accompanied with—

Societies with branches.

(a) a list of all the branches, and notice of the place where the registered office of each branch is situate; and Registry of societies with branches.

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*Societies
 with
 branches.*

- (b) if any branch is to have trustees or officers authorised to sue and be sued on its behalf, other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of all such trustees or officers, distinguishing the branches for which they are authorised to sue and be sued ; and
- (c) if the rules of all the branches (in this Act called branch rules) are or are intended to be identical, a statement to that effect, and copies of those rules ; and
- (d) if the branch rules are not or are not intended to be identical, a statement to that effect, and copies of all branch rules.

Any of the various classes of societies enumerated in s. 8 may be registered as societies with branches.

As to the application for registry, see s. 9 (2). Every registered branch must have a registered office: s. 24.

It will generally be found more convenient to register the society alone in the first instance, and then to register its branches: s. 18.

Where the majority of an unregistered society with branches determine to register under the Act, a dissentient minority cannot assume to secede and form a new society, but every branch, upon registration, *ipso facto* becomes part of the registered society: *M'Kenny v. The Mayor and Corporation of Barnsley*, 10 T. L. R. 533.

In the case of branches, certain of the documents which have to be sent to the registrar have to be forwarded not direct but through an officer of the society of which the branch forms part: such are notices of change of registered office, s. 24 (2), copies of resolutions appointing trustees, s. 25 (3), and annual returns, s. 27 (4).

The word "branch" does not apply to such "lodges" and "courts" as under 18 & 19 Vict. c. 63, s. 49 have been registered as separate societies until such registry has been cancelled, see s. 73.

(2.) A society having a fund under the control of a central body to which every branch is bound to contribute may be registered as a single society, and where any such society has branches in more than one part of the United Kingdom the provision of this Act as to the registry of societies doing business in more than one such part shall apply to that society.

If there is no such central fund, every branch must be registered as a separate society: see the definition of a branch in s. 106.

Besides contributing to a central fund, a branch must have a fund of its own, and be subject to some control of the central body (s. 106),

but what these are to be is left to be defined by the rules of the society and branch. ss. 17, 18.

As to the registry of societies carrying on business in more than one part of the United Kingdom, see s. 14. *Societies with branches.*

In an action concerning such a central fund the trustees of the society in whom the central fund is vested are the proper parties to be sued, and the rules of the society are admissible to show the existence and control of this fund: *Crichton v. West*, 12 T. L. R. 164.

18.—(1.) There shall be sent under the hand of the secretary of a registered society to the registrar— Establishment of new branches.

(a) notice of the establishment of every new branch of the society; and

(b) notice of the place where the registered office of the branch is situate; and

(c) if the branch is to have trustees or officers authorised to sue and be sued on its behalf other than the trustees or officers authorised to sue and be sued on behalf of the society, a list of the names of such trustees or officers; and

(d) a statement whether or not the rules of the branch are identical with those of the other branches of the society, and, if not so, a copy of the rules of the branch.

(2.) Where the rules of the new branch are not identical with those of the other branches of the society, the society shall not be entitled to any of the privileges of this Act in respect of that branch until that branch has been registered in the part of the United Kingdom in which the registered office of the branch is to be situate.

Every notice of the establishment and application for registry of a branch shall be in Form Ab (p. 206), signed by the secretary and three members of the branch, and countersigned by the secretary of the society: T. R. 10. There is no fee for the registry of a notice of the establishment of a branch or the rules of the same or any amendment thereof.

As to the liabilities of an unregistered branch, see s. 32 (1).

The objects of a branch must be some or all of those of the society itself, it cannot have any object outside those of the society unless it is so provided by the rules of the society. Objects of a branch.

The matters to be provided for by the rules of a branch are nearly the same as in the case of a society with the addition of provision for a branch. Rules of a branch.

ss. 18, 19, a separate fund, contribution to a central fund, control by the central body and the mode of secession: see Sch. I. and App. (pp. 141, 185).

*Societies
with
branches.*

19. The provisions of this Act as to—

- (a) the acknowledgment of registry of societies and amendments of rules; and
- (b) appeals from refusals to register societies and amendments of rules and the result thereof; and
- (c) the registry of amendments of rules; and
- (d) evidence of registry and of the appointment of trustees and officers

shall apply to branches and amendments of branch rules.

For these provisions, see ss. 11, 12, and 13.

The registry of a branch implies registry also of its rules.

No provision is contained in the Act for a branch to change its name, or to amalgamate with or transfer its engagements to another branch, except s. 70 (5); these matters must therefore be regulated by the societies of which they are part. Notice of a change of name, amalgamation or transfer of engagements of a branch, should at once be given by the society to the registrar, who will make the necessary alterations in the register on a written notice from the secretary of the society, unless it is otherwise provided.

*Registry
of amend-
ments of
branch
rules.*

An application to register an amendment of branch rules shall be made in Form Bb (p. 209) or in Form Db (p. 210), as the case may require, and may be made by an officer of the society, in which case the statutory declaration in support thereof must be made by the secretary of the branch; or by the secretary of the branch, in which case the statutory declaration must be made by an officer of the society: T. R. 11. The statutory declaration shall be in Form Cb (p. 212): T. R. 12; or the registrar may require and receive as an alternative to such declaration information in Form Cbl (p. 246): T. R. 75. The object in both cases is to obtain evidence of the concurrence of both the society and the branch in every amendment of branch rules. With the application to register amendments, whether partial or complete, of branch rules must also be sent the like documents as are required to be sent with an application to register amendments of rules of a society, see s. 13 note; as to the effect of not registering amendments of branch rules, see notes to s. 13.

A branch cannot register new rules which would have the effect of separating it into a new society, unless it follows the terms of the rule as to secession: *Schofield v. Vause*, 36 W. R. 170 n.

*Requisites
for regis-
try of
branches
as socie-
ties.*

20.—(1.) A body which has been registered as a branch of a society shall not be registered as a society except on production to the registrar of a certificate under the hand

of the chief secretary or other principal officer of the society of which it was a branch, that the body has wholly seceded or has been expelled from the society.

ss. 20, 21.

Societies
with
branches.

The certificate of secession or expulsion to be given by the chief secretary or other principal officer under this section shall be in Form G (p. 213): T. R. 13.

Form of
certificate.

If the rules of the society as to secession have been complied with, the principal officer of the society is bound to grant the certificate: *Re Sheffield Branch of the Order of Druids Friendly Society*, 8 T. L. R. 389; *Green v. Hendry*, *Times*, May 19, 1890; but where the secretary refuses to grant the certificate on the ground that the resolution to secede has been improperly passed, and this is proved to be the case, the branch cannot compel him to grant it: *Bolton District v. National Independent Order of Oddfellows*, F. S. Cas. 55.

When cer-
tificate
must be
given.

But where a rule provides as to secession, no secession can take place except in the terms of the rule: *Schofield v. Vause*, 36 W. R. 170 n.; and this even though the branch is still registered as a separate society under the former Acts.

Where a branch has been expelled from a society, the members of the branch thereby cease to be members of the society, and have no claims on any special fund of the society: *Smith v. Brailsford*, 40 S. J. 13.

Effect of
expulsion
of branch.

(2.) An appeal shall lie from the refusal of the chief secretary or other principal officer of the society, or his omission after three months from the receipt of a request in writing made on behalf of the body to grant a certificate, to the High Court in England or Ireland or to the Court of Session in Scotland.

The appeal should be made by an action which would be properly brought in the Queen's Bench Division of the High Court: *Green v. Hendry*, *Times*, May 19, 1890.

21. A body which, having been a branch of a society, has wholly seceded or been expelled from that society shall not thereafter use the name of that society or any name implying that it is a branch thereof, or the number by which it was designated as such branch.

Name of
seceding
or expelled
branch.

This subsection will, in the majority of cases, prevent a seceding branch of a society from retaining its old name, at any rate in its entirety, for contravention of this section is an offence under the Act: s. 84 (d).

s. 22.

*Societies
with
branches.*

Contribu-
tions from
one society
to another.

22.—(1.) A registered society or branch may contribute to the funds and take part by delegates or otherwise in the government of any other registered society or registered branch of a society, as provided in the rules of that first-named society or branch, without becoming a branch under this Act of that other society or branch.

(2.) This section shall in respect of contributing to the funds and taking part in the government of a medical society, that is to say, a society for the purpose of relief in sickness by providing medical attendance and medicine, extend to any registered trade union or branch of a registered trade union.

(3.) A registered society or trade union or branch shall not withdraw from contributing to the funds of any such medical society except on three months' notice to the society and on payment of all contributions accrued or accruing due to the date of the expiration of the notice.

Invest-
ment
societies.

Special authority 10 enables the formation of a society for the express purpose of receiving and investing the funds of other societies and branches for their benefit. No mischief can arise from such an arrangement, as this sort of society forms only part of the internal machinery of other societies. The receipt and investment is for the benefit of the society contributing, and therefore the other is a mere agent, and not a profit-making company. It is to be noticed that special authority 10 is not limited; so that societies registered under it enjoy all the privileges of ordinary societies, except that, like other specially authorised societies, they must pay fees for registry of rules and amendments of rules: see s. 96 (2).

Where one society contributes to the funds of another, the former society is not "a member or person claiming under the rules" of the latter society, so as to enable a dispute between the two societies to be referred to arbitration under the rules of the latter society: *Snell v. Vine*, F. S. Cas. 313.

Subs. 3 appears impliedly to confer on a medical society, as defined in subs. 2, a right to sue against the society or trade union making the contribution, in spite of the provisions of s. 23 and of the Trade Unions Act, 1871 (34 & 35 Vict. c. 31), s. 4.

*Consequences of Registry.*SS. 23, 24,
25.

23. Save as provided by section thirty-one of this Act, the subscription of a person being or having been a member of a registered society or branch shall not be recoverable at law.

Consequences of registry.

Subscription not recoverable at law.

This section, which was first enacted by the F.S.A., 1895, declares in express terms the result of the voluntary nature of a member's subscription to a society or branch: see note to s. 31. A society cannot sue a member for arrears of subscriptions or fines, but the rules must provide for the consequence of non-payment of such subscriptions or fines: Sch. I. 2.

24.—(1.) Every registered society and branch shall have a registered office to which all communications and notices may be addressed, and shall send to the registrar notice of the situation of that office, and of every change therein.

Registered office.

(2.) In the case of a branch the notice shall be sent to the registrar through an officer appointed in that behalf by the society of which the branch forms part.

Notice of the situation of the registered office of a society on first registry shall be deemed to be given by the rules. Every notice of a change in the situation of the registered office of a society or branch shall be sent to the registrar within fourteen days after every such change, in Forms H and Hb (pp. 213, 214) respectively: T. R. 14. There is no fee for registry of notice of change of office. Failure to have a registered office or to give notice of a change are offences under the Act: s. 84.

Situation of office.

The place of business of a society enrolled or certified before the 1st of January, 1876, as stated in the rules thereof, or in any notice of change duly sent to the registrar, shall be deemed to be the registered office of the society until notice of change duly sent, as provided by the Treasury Regulations, is received by the registrar. The registered place of business of a branch shall be deemed to be its registered office until notice of change be duly sent: T. R. 15.

Societies under former Acts.

Legal proceedings are sufficiently served on a society or branch or their officers by leaving a true copy thereof at the registered office: s. 94. Offences and penalties may be prosecuted and recovered against a society or branch or an officer thereof in the place where the registered office is: s. 92.

25.—(1.) Every registered society and branch shall have one or more trustees.

Appointment of trustees.

SS. 25, 26. (2.) The trustees shall be appointed at a meeting of the society or branch, and by a resolution of a majority of the members present and entitled to vote thereat.

Consequences of registry.

(3.) The society or branch shall send to the registrar a copy of every resolution appointing a trustee, signed by the trustee so appointed, and by the secretary of the society or branch.

(4.) The same person shall not be secretary or treasurer of a registered society or branch, and a trustee of that society or branch.

(5.) In the case of a branch the copy of the resolution shall be sent to the registrar through an officer appointed in that behalf by the society of which the branch forms part.

The trustees must be appointed by the society in general meeting, and not by the committee. An appointment must be made whenever the rules require it, or the number of trustees falls below the minimum specified by the rules. "Entitled to vote" means entitled according to the rules of the society. A member who is a minor cannot be a trustee: s. 36.

Procedure. A copy of every resolution appointing trustees of a society or branch shall be sent to the registrar within fourteen days after the date of the meeting whereat such resolution was passed, in Forms I and Ib respectively (pp. 214, 215): T. R. 16. There is no fee for registry of the appointment of trustees. Failure to give this notice is an offence under the Act: s. 84; but it would not invalidate the appointment of the trustees, as was provided by an earlier Act: 13 & 14 Vict. c. 115, s. 13.

The trustees are the proper persons to sue and be sued, unless other officers are specially appointed for the purpose: s. 94.

New trustees are liable to be sued for the debts of the society incurred before their appointment: *Beckett v. Willetts*, 5 W. R. 622.

Subs. (4), which was first enacted by the F.S.A., 1895, furnishes an additional security against the perpetration of fraud on a society.

Audit. **26.—**(1.) Every registered society and branch shall once at least in every year submit its accounts for audit either to one of the public auditors appointed as in this Act mentioned, or to two or more persons appointed as the rules of the society or branch provide.

(2.) The auditors shall have access to all the books and accounts of the society or branch, and shall examine the

annual return mentioned in this Act, and verify the annual return with the accounts and vouchers relating thereto, and shall either sign the annual return as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society or branch in what respects they find it incorrect, unvouched, or not in accordance with law.

SS. 26, 27.

Consequences of
registry.

The rules must provide for the keeping of accounts : Sch. I. 5 ; and in the case of friendly and cattle insurance societies, separate accounts must be kept of any particular fund or benefit for which separate tables of contributions are adopted, and also of the expenses of management and of contributions in respect thereof : Sch. I. 10. Although the keeping of separate accounts of the contributions in respect of different benefits is a matter of prudence so as to enable them to be actuarially tested, yet there is no legal obligation on a society to keep such separate accounts unless separate tables of contributions in respect of such benefits have been provided. It must be noticed that the obligation to keep separate accounts does not imply that the funds are to be kept separate for the purpose of investment. There are no prescribed forms for such accounts, nor have any model forms thereof been prepared by the central office (except the balance sheet which forms part of the annual return), although the central office is by s. 2 (2) empowered to do so.

Accounts.

The duty of the auditors is to examine and verify the accounts, and either sign them as correct or report to the society in what respect they are incorrect. If the rules do not provide for the appointment of auditors, on the choice of whom no restrictions are placed, the accounts can only be legally audited by a public auditor, as to the appointment of whom, see s. 30.

Duty of
auditors.

For the fees payable to the public auditors, see p. 166.

Though accounts audited and signed in accordance with the rules and the Act are *primâ facie* evidence in favour of the accounting parties, the accounts may be impeached on the ground of fraud : *Holgate v. Shutt*, 27 C. D. 111. The accounts must be audited in accordance with the statute and the rules, but it is open to an accounting party to show that the accounts which have not been regularly audited have been treated as settled accounts on some other ground : *Holgate v. Shutt*, 28 C. D. 111.

27.—(1.) Every registered society and branch shall once in every year, not later than the thirty-first day of May, send to the registrar a return (in this Act called the annual return) of the receipts and expenditure, funds, and effects of the society or branch as audited.

Annual
returns.

SS. 27, 28.

*Consequences of
registry.*

(2.) The annual return must—

- (a) show separately the expenditure in respect of the several objects of the society or branch; and
- (b) be made out to the thirty-first day of December then last inclusively; and
- (c) state whether the audit has been conducted by a public auditor appointed as by this Act provided, and by whom, and, if by persons other than a public auditor, state the name, address, and calling or profession of every such person, and the manner in which, and the authority under which, he is appointed.

(3.) The society or branch shall, together with the annual return, send a copy of any special report of the auditors.

(4.) In the case of a branch the annual return shall be sent to the registrar through an officer appointed in that behalf by the society of which the branch forms part.

The annual returns of a society with branches shall include all branches of the society registered under the Act: T. R. 17.

The returns of branches are sent to the registrar for the country in which such branches are registered, although the society may be registered in another.

A copy of the form of annual return prescribed by the chief registrar is sent every year to each registered society to fill up; no other form can be used.

The rules of a branch should provide for the sending of the annual return of the branch to the society before some date prior to May 31, so that the society may be able to send it to the registrar before such last-mentioned date.

Quinquennial valuation.

28.—(1.) Every registered society and branch shall, except as in this section provided, once at least in every five years either—

- (a) cause its assets and liabilities to* valued by a valuer to be appointed by the society or branch and send to the registrar a report on the condition of the society or branch; or
- (b) send to the registrar a return of the benefits assured and contributions receivable from all the members of the society or branch, and of all its funds and effects,

* *Sic.*

debts and credits, accompanied by such evidence in support thereof as the chief registrar prescribes. S 23.

(2.) If the society or branch sends to the registrar such report as aforesaid, the report must— *Consequences of registry.*

(a) be signed by the valuer; and

(b) state the address and calling or profession of the valuer; and

(c) contain an abstract to be made by the valuer of the results of his valuation, together with a statement containing such information with respect to the benefits assured and the contributions receivable by the society or branch, and of its funds and effects, debts and credits, as the registrar may require.

(3.) If the society or branch sends to the registrar such return as aforesaid he shall cause the assets and liabilities of the society or branch to be valued and reported on by some actuary, and shall send to the society or branch a copy of the report and an abstract of the results of the valuation.

The valuation of a society with branches shall include all funds under the control of the central body of such society; and a registered branch shall, in respect of the valuation of any fund or funds administered by itself, or by a committee or officers appointed by itself, be subject to the same obligations, and such branch, its officers or committee, shall be liable to the same penalties as if it were a registered society : T. R. 17. Societies with branches.

No valuation of the assets and liabilities of a society or branch shall be deemed to be a valuation under the Act, where the person by whom the same is made (whether a public valuer or not) has audited the accounts of the society or branch for the year next preceding the date at which the society is valued : T. R. 18. Who may not value.

Where a society or branch desires that its assets and liabilities shall be valued and reported on by an actuary to be named by the registrar, the return of benefits and contributions, funds and effects, debts and credits, in form prescribed by the chief registrar, shall be accompanied with a fee on the following scale, viz. :— Valuation by actuary appointed by registrar.

				£
If the number of members does not exceed 150	..	..	..	10
If over 150 but not exceeding 250	..	..	..	15
„ 250	„	350	..	20
„ 350	„	500	..	25
„ 500	„	700	..	40
„ 700	„	1000	..	55

SS. 28, 29.

Consequences of
registry.

with an additional £25 for every 500 members, or portion thereof beyond 1000. Where the number of members exceeds 2500, a special fee shall be fixed by the chief registrar for the valuation: T. R. 19.

If the registrar causes the assets and liabilities of a society or branch to be valued and reported on by the actuary attached to the central office, the fee to be received for the same shall be paid into Her Majesty's exchequer; but if by any other actuary, three-fourths only of the fee, as per Regulation 19, shall be paid to such actuary and the remaining one-fourth into Her Majesty's exchequer: T. R. 20.

For form of valuation, see p. 172, *et seq.*

As to the societies which are exempt from valuation, see subss. (4) and (5), *infra*.

(4.) Provided that this section shall not apply to—

(a) a benevolent society, working men's club, cattle insurance society or branch thereof; or

(b) a specially authorised society or branch unless it is so directed in the authority for registering that society or branch.

(5.) Provided also that the chief registrar may, with the approval of the Treasury, dispense with the provisions of this section in respect of societies or branches to whose purposes or to the nature of whose operations he may deem those provisions inapplicable.

Exemption from
valuation.

The chief registrar has obtained the approval of the Treasury to dispense with valuation in the case of societies and branches which depend for their maintenance on levies or periodically divide their funds, and in the case of deposit friendly societies and branches, and of societies with a very small number of members. Application to the chief registrar for formal exemption is necessary, and such exemption is only granted for a single valuation period, and has to be renewed before a second period has expired.

Societies registered under all the special authorities which have been granted (see p. 22), except 10 and 16, are exempt from valuation.

Copy of
last
balance
sheet.

29. Every registered society and branch shall keep a copy of the last annual balance sheet, and of the last quinquennial valuation, together with any special report of the auditors, always hung up in a conspicuous place at the registered office of the society or branch.

A similar provision is contained in the Building Societies Act, 1874 (37 & 38 Vict. c. 42), s. 40.

Failure to do this is an offence under the Act: s. 84.

30.—(1.) For the purpose of audits and valuations to be made under this Act the Treasury may appoint public auditors and valuers and may determine the rates of remuneration to be paid by societies and branches for the services of those auditors and valuers; but the employment of those auditors and valuers shall not be compulsory.

ss. 30, 31.
Consequences of registry.
Public auditors and valuers.

(2.) The Treasury may out of money to be provided by Parliament pay to the public auditors and valuers such remuneration (if any) as the Treasury may allow.

As to public auditors and valuers, see Appendix, Parts I. & II.

31.—(1.) The rules of a registered cattle insurance society or branch, and of such specially authorised societies or branches thereof as the Treasury may allow to take the benefit of this section, shall bind the society or branch and the members thereof, and all persons claiming through them respectively, to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were in the rules contained a covenant on the part of himself, his heirs, executors, and administrators, to conform to the rules subject to the provisions of this Act.

Registered cattle insurance and other societies.

(2.) All sums of money payable by a member to such society or branch as aforesaid shall be deemed to be a debt due from the member to the society or branch, and shall be recoverable as such in the county court of the district in which the member resides.

“Persons claiming through a member” includes the nominees of a member, where nomination is allowed: s. 106.

Contributions to a society being “voluntary,” s. 8, cannot be sued for as a debt: s. 23. A rule giving the society power to sue for arrears would be contrary to the Act: this section, however, confers on cattle insurance societies, and certain specially authorised societies, the power of suing for arrears. The power of a member to sue a society for moneys payable to him arises from the contract between him and the society contained in the rules: s. 13 note. The societies registered under special authorities 1, 4, 5, and 17 are allowed the benefit of this section.

Subs. 2 appears to give the county court jurisdiction to entertain

- S. 31.** an action to recover moneys payable, even though the amount thereof should exceed £50; but, at the same time, the jurisdiction of the High Court would not be excluded.
- Consequences of registry.*

S. 32.*Privileges of Registered Societies.*

Privileges of registered societies.

Exception of societies from corresponding Societies Acts, &c.
39 Geo. 3, c. 79.
57 Geo. 3, c. 19.

32.—(1.) A registered society or branch or a meeting of a registered society or branch shall not be affected by any of the provisions of the Unlawful Societies Act, 1799, or of the Seditious Meetings Act, 1817, if in the society or branch or at the meeting no business is transacted other than that which directly and immediately relates to the objects of the society or branch as declared in the rules thereof; but the society or branch, and all officers thereof shall, on request in writing by two justices of the peace, give to such justices full information of the nature, objects, proceedings, and practices of the society or branch.

(2.) If the society or branch when so required fails to give such information as aforesaid, the provisions of those Acts shall, so far as applicable, be in force in respect of the society or branch.

Registered societies are exempt from the provisions of the Unlawful Societies Act, 1799 (39 Geo. 3, c. 79), and the Seditious Meetings Act, 1817 (57 Geo. 3, c. 19), so long as their business and meetings are concerned with no other business than is provided for by the registered rules. Under these Acts any society which requires its members to take any oath or subscribe or assent to any test or declaration not required or authorised by law, or the names of whose members or officers are not known to the society at large, or which is composed of different branches acting separately, is to be deemed an unlawful combination, and penalties are imposed upon persons guilty of any such unlawful confederacy; persons permitting meetings of such a society are subject to penalties, and the license of a public-house where a meeting of any such society is held may be declared to be forfeited.

Unregistered societies and branches which require any unauthorised test or declaration from their members would seem to be within these enactments.

Power of a constable to enter licensed premises.

In the case of a branch of a friendly society holding a secret meeting in a hired room at a public-house, it was held that the owner of the public-house could not be convicted of having refused to admit a police-constable demanding to enter the premises under s. 16 of the

Licensing Act, 1874 (37 & 38 Vict. c. 49), unless it could be shown that the constable in demanding admission had reasonable ground for suspecting that some violation of the Licensing Acts was taking place or was about to take place thereon: *Duncan v. Dowding*, 1897, 1 Q. B. 575. In this case, however, the court did not decide the question whether the licensed person could be convicted because the occupiers of a private room, over whom he had no control, refused to admit the constable.

SS. 32, 33.

Privileges
of regis-
tered
societies.

33. Stamp duty shall not be chargeable upon any of the following documents:—

Exemptions from
stamp
duty.

- (a.) Draft or order or receipt given by or to a registered society or branch in respect of money payable by virtue of its rules or of this Act:
- (b.) Letter or power of attorney granted by any person as trustee for the transfer of any money of a registered society or branch invested in his name in the public funds:
- (c.) Bond given to or on account of a registered society or branch or by the treasurer or other officer thereof:
- (d.) Policy of insurance or appointment or revocation of appointment of agent or other document required or authorised by this Act or by the rules of a registered society or branch.

This section, first enacted by the F.S.A., 1895, is substantially the same as that in the Act of 1875, but with the exemptions more clearly defined.

Cheques drawn upon a banker by or on behalf of the society fall within the exemption, provided that they are in a form which insures they will be used only for the internal purposes of the society, and not be put into general circulation. A bond conditioned for the production of a box containing the subscriptions of a society need not be stamped: *Carter v. Bond*, 4 Esp. 253.

This does not exempt from duty a transfer of a mortgage security on which the funds of a society are invested: *Re Royal Liver Friendly Society* [1870], L. R. 5 Ex. 78, nor it would seem a receipt for rent given to a tenant by a society when mortgagee in possession: see *Attorney-General v. Phillips*, 24 L. T. N.S. 832.

By the Income Tax Act, 1842 (5 & 6 Vict. c. 35), s. 88, the stock dividends or interest of any friendly society legally established under any Act relating to friendly societies, are exempt from the duties chargeable under Schedule C of that Act, provided that the sums assured, or the amount of annuity granted by any such society to any

Exemption from
income
tax.

SS. 33, 34. individual, or to any person nominated by or to claim under him, shall not exceed £200 or £30 respectively, and the exemption of property invested in public securities in the Bank of England shall be claimed and proved by any trustee or treasurer of any such society, or by any member thereof, before the Commissioners for Special Purposes. By the Income Tax Act, 1853 (16 & 17 Vict. c. 34), s. 49, friendly societies which are not debarred from the benefit of the exemption granted by the last-mentioned Act, in respect of property chargeable under Schedule C, are also entitled to exemption in respect of all their interests and other profits and gains chargeable under Schedule D, as under Schedule C. By the Revenue Act, 1889 (52 & 53 Vict. c. 42), s. 12, friendly societies which are entitled to the benefit of exemption from Schedule C are also entitled to the like allowances, in respect of any charge under Schedule A to be made on the lands, tenements, hereditaments, or heritages belonging to the society, as are granted to colleges and other properties mentioned in No. VI. of that schedule in s. 61 of the said Act [*i.e.* 5 & 6 Vict. c. 35].

Exemption from corporation property duty.

The Customs and Inland Revenue Act, 1885 (48 & 49 Vict. c. 51), s. 11 (4), imposes a duty on the annual value, income, or profits of all real and personal property which belongs to or is vested in any body corporate or unincorporate, but exempts from such duty "the property of any friendly society established according to Act of Parliament." The Board of Inland Revenue have read these last words as equivalent to "society established under the Friendly Societies Act," so that all societies registered under the Act, and not merely friendly societies proper, as defined by the Act, may claim the benefit of the exemption. An unregistered friendly society is, therefore, not exempt unless it could properly claim it under one of the other exemptions mentioned in the section: see *Incorporation of Tailors in Glasgow v. Commissioners of Inland Revenue*, 24 Sc. L. R. 516; *Re Linen and Woollen Drapers, etc.*, *Institution*, 58 L. T. N.S. 949.

Transfer of stock standing in name of trustee.

34.—(1.) In any of the following cases, namely:—

(i.) where a person being or having been a trustee of a registered society or branch, and whether appointed before or after the registry thereof, in whose name any stock belonging to that society or branch transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely—

(a) is absent from the British Islands; or

(b) becomes bankrupt or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors; or

SS. 34, 35.

*Privileges
of regis-
tered
societies.*

- (c) becomes lunatic or is dead; or
 (d) has been removed from his office of trustee; or
 (ii.) if it is unknown whether such person is living or dead,

the chief registrar may, on application in writing from the secretary and three members of the society or branch, and on proof satisfactory to him, direct the transfer of the stock into the names of any other persons as trustees for the society or branch.

(2.) The transfer shall be made by the surviving or continuing trustees, or if there is no such trustee, or if the trustees refuse or are unable to make the transfer, and the chief registrar so directs, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be.

(3.) The Bank of England and the Bank of Ireland are hereby indemnified for anything done by them or any of their officers in pursuance of this section against any claim or demand of any person injuriously affected thereby.

Every application to the chief registrar to direct a transfer of stock shall follow as near as may be Form J (p. 216), and shall be accompanied by a statutory declaration in Form K (p. 217), or as near thereto as the facts admit, and by the certificate (if any) of the stock in respect of which the application is made: T. R. 21. Before making the application the society or branch shall submit to the chief registrar for examination a draft copy on foolscap paper, written on one side only, of the proposed application and declaration: T. R. 22. The chief registrar, before directing the transfer, may require such further proof of any statement in the application as may seem to him to be necessary: T. R. 23. The chief registrar shall give his direction to transfer in Form L (p. 218), so framed in each case as to suit the particular circumstances: T. R. 24.

The direction to transfer is in the discretion of the chief registrar. The fee is £1 (T. R. 71); no stamp thereon is necessary: s. 33.

For the meaning of "British Islands," see note to s. 108.

This section only applies to stock transferable at the Bank of England or Bank of Ireland.

35.—(1.) In the following cases, namely—

- (a) upon the death or bankruptcy of any officer of a registered society or branch having in his possession of officer.

Priority on
death,
bank-
ruptcy, &c.

S. 35.

*Privileges
of regis-
tered
societies.*

by virtue of his office any money or property belonging to the society or branch; or

(b) if any execution, attachment, or other process is issued, or action or diligence raised against any such officer or against his property,

his heirs, executors, or administrators, or trustee in bankruptcy, or the sheriff or other person executing the process. or the party using the action or diligence respectively shall, upon demand in writing of the trustees of the society or branch, or of any two of them, or of any person authorised by the society or branch, or by the committee thereof, to make the demand, pay the money, and deliver over the property to the trustees of the society or branch in preference to any other debt or claim against the estate of the officer.

(2.) In this section the expression "bankruptcy" shall include liquidation of a debtor's affairs by arrangement in England, *cessio bonorum* of a debtor in Scotland, and a petition for arrangement with creditors in Ireland; and the expression "trustee in bankruptcy" shall include a judicial factor in Scotland, and an assignee in Ireland.

Priority of
society.

This section is in substance a continuation of the similar provision in the older Acts (33 Geo. 3, c. 54, s. 10; 18 & 19 Vict. c. 63, s. 23). The Act does not expressly provide for a trustee ceasing to be such upon becoming bankrupt or insolvent, it merely gives the society a preferential claim against his estate in case he have in his hands money or property belonging to it. This priority is expressly saved by the Bankruptcy Act, 1883 (46 & 47 Vict. c. 52), s. 40 (6), the Preferential Payments in Bankruptcy Act, 1888 (51 & 52 Vict. c. 62), s. 2 (1), and the Preferential Payments in Bankruptcy (Ireland) Act, 1889 (52 & 53 Vict. c. 60), s. 6; and is not affected by the fact of the bankrupt being himself interested in the moneys of the society: *Ex p. Crowley*, 2 Dea. 555.

Out of
what
property.

It has accordingly been decided that the trustees of a friendly society registered under this Act are entitled to payment out of the assets of a bankrupt treasurer of all moneys due from him as treasurer to the society in preference to all debts or claims against his estate where his only assets are stock-in-trade, furniture, and other property not specifically belonging to the society: *Re Atkins*, 51 L. J. Ch. 406; and even though he has not those moneys in his possession in specie, and they cannot be traced: *Re Miller* (1893), 1 Q. B. 327. Whether this preference would prevail against the Crown, *quære*: per M.R.,

Ex p. the Amicable Society of Lancaster, 6 V. 98. Where the officer had a partner in trade and both became bankrupt the preference of the society was confined to the separate estate of their own officer: *Ex p. Appach*, 1 M. D. & D. 83. Cf. *Ex p. Riddell*, 3 M. D. & D. 80.

S. 35.

Privileges
of regis-
tered
societies.

This preferential right of friendly societies against other creditors applies only in the case of officers duly and formally appointed. For the definition of officer, see s. 106. It does not apply in the case of a person or persons to whom money of a society has been paid as a banker: *Ex p. Orford*, 1 D. M. & G. 483; *Ex p. Whiphram*, 3 M. D. & D. 564; even though appointed by the rules of the society: *Ex p. Harris*, D. G. 162; nor to an incorporated banking company so as to entitle the society to priority in the winding-up: *Re West of England and South Wales District Bank*, 11 C. D. 768. Similarly, a person in the habit of receiving the money of a society, no treasurer having been appointed, upon notes carrying interest, is not an officer of the society so as to entitle the society to preference: *Ex p. Ashley*, 6 V. 441; *Ex p. Ross*, 6 V. 802. There is no preference against an officer who has received moneys belonging to a society if he is not according to the rules the proper person to have received them: *Ex p. Buckland*, Buck 214; *Ex p. Fleet*, 4 D. G. & S. 52; *Re Aberdeen*, 1896, W. N. 154.

In respect
of what
persons.

This preference applies only to debts arising from moneys in the hands of officers by virtue of their office, and independent of contract, and not to debts due from them as individuals. It does not apply to money lent to a treasurer on the security of a promissory note payable on demand: *Ex p. Stamford Friendly Society*, 15 V. 280; *Ex p. the Amicable Society of Lancaster*, 6 V. 98; *Ex p. Long Ashton Junior Friendly Society*, 5 L. T. N.S. 370. But where on the appointment of a treasurer of a friendly society it was agreed that of the funds then in hand she was to pay interest for £120, it was held that this was not to be considered as a loan to her, but that it was in her hands and possession by virtue of her office as treasurer, within the meaning of 4 & 5 Will. 4, c. 40, s. 12, and that on her bankruptcy her assignees were bound to pay over the amount to the society: *Ex p. Ray*, 3 Dea. 537. So, too, moneys received by the financial secretary of a society which he ought to have handed over to the treasurer are in his possession by virtue of his office, so as to entitle the society to priority, on the secretary's bankruptcy, in respect of moneys properly received by him in virtue of his office: *Re Welch*, 42 W. R. 320. See also *Ex p. Buckland*, Buck 214; *Ex p. Riddell*, 3 M. D. & D. 80.

In respect
of what
office.

The service of a bill in the court of chancery to compel payment of what is due from the assignees of a treasurer is a demand in writing within the statute (18 & 19 Vict. c. 63): *Absolom v. Gething*, 32 L. J. Ch. 786.

A society does not, by want of diligence in examining the accounts of the society, lose its claim to priority over the other creditors of a defaulting officer: *Moors v. Marriott*, 7 C. D. 543; *Absolom v.* Whether right can be lost.

ss. 35, 36. *Getthing*, 32 L. J. Ch. 786. In another case, a treasurer of a society, having a debt due to him from a person who offered a security, took a security in the name of the society, and retained the amount of his debt out of the society's moneys in his hands; sometime afterward he became bankrupt, having in the meanwhile debited himself annually in his accounts with the society with the interest on the amount for which the security was taken. The security proved insufficient, and was not of the description or taken in the manner required by the Friendly Society Act then in force. It was held that the omission on the part of the society to take steps for setting aside the transaction, and calling in the money before bankruptcy, did not deprive them of their statutory right to be paid in full before the other creditors: *Ex p. Burge*, 1 M. D. & D. 540. But where a society had omitted to obtain from its treasurer before he entered on his office a bond as required by the rules of the society and the Act (see s. 54), it was held that this neglect was, on the bankruptcy of the treasurer, fatal to the society's claim to be paid in priority to the other creditors (county court): *John o' Gaunt Lodge v. Bell*, F. S. Cas. 67. On the similar provision in the Act of 1793 (33 Geo. 3, c. 54), Lord Eldon said, "If these societies expect the benefit of that very liberal, and perhaps more liberal than just, provision of the legislature in their favour, that all creditors, however meritorious, shall be sacrificed to their demand, it is their business to take the protection given them in the mode, in which it is directed, by appointing a treasurer and making him give security according to the Act:" *Ex p. Ross*, 6 V. 802; cf. *Ex p. Haynes*, 3 M. D. & D. 663.

Statutory provisions giving a preference to particular creditors are against common right and must be strictly construed: *Ex p. Fleet*, 4 D. G. & S. 52; *Re Aberdeen*, 1896, W. N. 154.

Member-
ship of
minors.

36.—(1.) The rules of a registered society or branch may provide for the admission of a person under twenty-one years of age but above one year of age as a member.

(2.) Any such member may, if he is over sixteen years of age by himself, and if he is under that age by his parent or guardian, execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee, or a trustee, manager, or treasurer of the society or branch.

Prior to the F.S.A., 1895, it was provided that persons under twenty-one but over sixteen might be members of a society, and might enjoy all the rights of members, and execute all instruments, but might not take any part in the management of the society, provision being also made for the formation, subject to Treasury regulations, of juvenile

societies consisting wholly of members of any age under twenty-one but exceeding three years. **SS. 36, 37.**

Since January 1, 1896, juvenile societies are on the same footing as adult societies: any society may have juvenile members if the rules so provide, and consequently provision is made by s. 70 (5) for amalgamation of existing juvenile and adult societies. *Privileges of registered societies.*

As to payments on the death of children, see ss. 62-67; parents who are members of a society may insure the funeral expenses of their children under s. 8 (1).

37. A registered society or branch may subscribe out of its funds to any hospital, infirmary, charitable or provident institution, any annual or other sum which may be necessary to secure to members of the society or branch and their families the benefits of the hospital, infirmary, or other institution, according to its rules. *Subscriptions to hospitals*

The power conferred by this section seems to be independent of the rules of a society, though it might be restricted by them: the Act does not restrict the subscription to be drawn from any particular fund of the society.

The Medical Act, 1858 (21 & 22 Vict. c. 90), s. 36, enacts that no person shall hold any appointment as a physician, surgeon, or other medical officer to any friendly or other society for affording mutual relief in sickness, infirmity, or old age, unless he be registered under that Act. *Medical officer of a society.*

Where one of the objects of a society was the providing efficient medical attendance and medicine for sick members and for the wives and children of members, it was held by the county court that the society had fulfilled their part of the contract by securing the services of a fully qualified medical man, and that they were not liable for the consequences of his neglect: *Barnes v. Lincoln Oddfellows Medical Association*, 99 L. T. 217. *Liability of society for medical officer.*

Rights of Members.

S. 38.

38. Every registered society and branch shall deliver to every person on demand, on payment of a sum not exceeding one shilling, a copy of the rules of the society or branch. *Rights of members.*

Right to supply of copies of the rules.

The only genuine copies of a society's rules are copies of the rules as registered, and if the accuracy of any copy is questioned, reference must be made to the register or a sealed copy.

Refusal to deliver a copy of the rules when demanded is an offence under the Act: s. 84.

ss. 39, 40, 41. **39.** Every registered society and branch shall supply gratuitously to every member or person interested in its

Rights of members.

Right to supply of copies of annual return.

funds, on his application, either—

(a) a copy of the last annual return of the society or branch; or

(b) a balance sheet or other document duly audited containing the same particulars as to the receipts and expenditure, funds, and effects, of the society or branch as are contained in the annual return.

Similar provisions for supplying to members copies of annual returns are contained in the Trade Union Act, 1871 (34 & 35 Vict. c. 31), s. 16; the Building Societies Act, 1874 (37 & 38 Vict. c. 42), s. 40; and the Industrial and Provident Societies Act, 1893 (56 & 57 Vict. c. 39), s. 15.

Failure to supply on application a balance sheet or a copy of such annual return is an offence under the Act: s. 84.

Inspection of books by members.

40. A member or person having an interest in the funds of a registered society or branch may inspect the books at all reasonable hours at the registered office of the society or branch, or at any place where the books are kept, except that the member or person shall not, unless he is an officer of the society or branch, or is specially authorised by a resolution of the society or branch to do so, have the right to inspect the loan account of any other member without the written consent of that member.

The right to inspect the books would seem to include a right to take copies: *Mutter v. Eastern & Midlands Railway Co.*, 38 C. D. 92; *Nelson v. Anglo-American Land Mortgage Agency Co.*, 1897, 1 Ch. 130; and may be exercised without assigning any reason for requiring inspection: *Holland v. Dickson*, 37 C. D. 669; and that it is desired from hostile motives is no defence of a refusal: *Mutter v. Eastern & Midlands Railway Co.*, 38 C. D. 92. The expression "books" is not confined to books of account. It was held by a court of summary jurisdiction that the collectors' books of a collecting society might be inspected under this section: *Moffatt v. Taunton*, 23 L. J. 716.

Failure to allow inspection is an offence under the Act: s. 84.

Limitation of benefits.

41.—(1.) A member, or person claiming through a member, of a registered friendly society or branch, shall

not be entitled to receive more than two hundred pounds ss. 41, 42.
 by way of gross sum, together with any bonuses or additions declared upon assurances not exceeding that amount, or (except as provided by this Act) fifty pounds a year by way of annuity, from any one or more such societies or branches. Rights of members.

(2.) Any such society or branch may require a member, or person claiming through a member, to make and sign a statutory declaration that the total amount to which that member or person is entitled from one or more such societies or branches does not exceed the sums aforesaid.

“Person claiming through a member” includes the nominees of the member, where nomination is allowed: s. 106.

The exception is in favour of societies established before August 15, 1850: see s. 101.

The limitation on the benefits granted by societies is in this section placed at £200 gross sum and £50 annuity, but if a society assures an annuity over £30 it loses its right to exemption from income tax: see note to s. 33; so that if a society desires to retain this privilege of exemption its benefits must be further limited.

If a scheme certified under the Workmen's Compensation Act, 1897, provides for payment of compensation by a friendly society, this section does not apply to such society in respect of such scheme: 60 & 61 Vict. c. 37, Sch. I. 15. Workmen's compensation.

Any person who has made insurance on his own life or on the life of his wife, or contracted for any deferred annuity on his own life or the life of his wife, in or with any friendly society legally established, is entitled to deduct the amount of the annual premium before ascertaining the amount liable to be assessed for income tax, or, if he has paid duty, to claim repayment (16 & 17 Vict. c. 34, s. 54; 18 & 19 Vict. c. 35, s. 1); but the premiums payable in respect of such insurances must not be made for shorter periods than three months (18 & 19 Vict. c. 35, s. 1). In this enactment the words “legally established” have been construed as equivalent to “registered.” Abatement of income tax in respect of premiums.

As to knowingly making a false declaration, see s. 87 (2).

42. The rules of a registered society or branch may provide for accumulating at interest, for the use of any member, any surplus of his contributions to the funds of the society or branch which may remain after providing for any assurance in respect of which they are paid and for the withdrawal of the accumulations. Accumulation of surplus of contributions.

SS. 42, 43.

*Rights of
members.*

Section 19 of the F.S.A., 1875, which is reproduced by this section, was not expressly limited to "registered" societies, though it was always so construed.

Deposit
friendly
societies.

Moneys accumulated for the use of a member are moneys payable by the society on the death of that member, and may be included in a nomination by that member: see s. 56.

This section allows for the formation of "Deposit Friendly Societies" which do not differ in their legal constitution from ordinary friendly societies. This class of societies may also be registered as specially authorised societies under authority No. 5. They are exempt from valuation, see s. 28 (5), note.

Militia-
men and
volunteers.

43.—(1.) A person shall not, by reason of his enrolment or service in the militia or as a naval coast volunteer, Royal Naval volunteer, naval artillery volunteer, or in any corps of yeomanry or volunteers whatsoever, lose or forfeit any interest in a friendly society or branch whether registered or unregistered which he possesses at the time of his being so enrolled or serving, or be fined for absence from or non-attendance at any meeting of the society or branch, if his absence or non-attendance is occasioned by the discharge of his military or naval duty as certified by his commanding officer, any rules of the society or branch to the contrary notwithstanding.

(2.) A dispute between any such society or branch and person by reason of that enrolment or service shall be decided by a court of summary jurisdiction.

(3.) If the rules of a society or branch certified before the twenty-third day of July one thousand eight hundred and fifty-five, and in force at the time of the enrolment or service, provide that a member shall be deprived of any benefit by reason of that enrolment or service, the society or branch may require of the member a contribution exceeding the rate of contribution otherwise payable by him to an amount not exceeding one tenth of that rate during the time the member is serving out of the United Kingdom, or may suspend all claim of the member to any benefits assured by the society or branch, and all claim of the society or branch to any contributions payable by the member, during the time only he is serving out of the United Kingdom, but so that if he returns to the

United Kingdom he shall forthwith be replaced on the same footing as before he went abroad on service. S. 43.

It is to be noticed that this section extends to unregistered societies as well as registered. *Rights of members.*

A dispute falling within this section must be decided by a court of summary jurisdiction, for the definition of which see p. 127: the provisions of s. 68 would not apply in such a case, and in the case of a registered society the power of reference to the registrar and the jurisdiction of the county court would be excluded.

Property, Funds, and Investments.

S. 44.

44.—(1.) The trustees of a registered society or branch may, with the consent of the committee or of a majority of the members present and entitled to vote in general meeting, invest the funds of the society or branch, or any part thereof, to any amount in any of the following ways : *Property, funds, and investments.*
Investment of funds.

- (a) in the Post Office Savings Bank, or in any savings bank certified under the Trustee Savings Bank Act, 1863 ; or 26 & 27
Vict. c. 87.
- (b) in the public funds ; or
- (c) with the National Debt Commissioners as in this Act provided ; or
- (d) in the purchase of land, or in the erection or alteration of offices or other buildings thereon ; or
- (e) upon any other security expressly directed by the rules of the society or branch, not being personal security, except as in this Act authorised with respect to loans.

This is not a prohibitive but an enabling section. The trustees of a friendly society have not, by virtue of their office, any power to lend the money of the society at all. That authority is given to them by this section, but only under certain circumstances, and subject to certain rules : per Brett, J., *Re Coltman*, 19 C. D. 64. Power conferred by section.

All investments must be made by the trustees of the society or branch, but not of their own motion ; they must obtain the consent of the committee of management or of a majority of the members present and entitled to vote in general meeting ; the trustees cannot delegate their power of investing to any other person or persons. How exercised.

Only the savings banks authorised by clause (a) are lawful investments for a society ; any other description of savings bank must be Savings banks.

S. 44.

Property,
funds,
and invest-
ments.

specified in the rules. Investments in a savings bank may be made without restriction as to amount, and under the terms and conditions specially provided by the rules, orders, and regulations of the savings bank. The receipt of the treasurer, trustee, or other officer of the society for money paid according to the requisition of such treasurer, trustee, or other officer apparently authorised to require payment is a sufficient discharge. The fact that funds of a society are deposited in a savings bank does not render liable to forfeiture the deposits in the same, or any other savings bank, of a person interested in the funds of such society: 26 & 27 Vict. c. 87, ss. 33-35.

Public
funds.

"The public funds," which is synonymous with the expressions "the funds" or "Government funds," means funded securities guaranteed by the English Government. The similar expression "Government Stock," in the Savings Bank Act, 1893 (56 & 57 Vict. c. 69), s. 5 (2), is defined to mean in that Act, $2\frac{3}{4}$ per cent. Consol. Stock (1903), $2\frac{3}{4}$ per cent. Annuities (1905), $2\frac{1}{2}$ per cent. Annuities, Local Loans 3 per cent. Stock, and Guaranteed Land Stock.

As to investments with the National Debt Commissioners, see s. 52.

Land.

The purchase of land is not authorised, unless the rules so provide: s. 47. "Land" includes any interest in land, s. 106, and in Scotland heritable subjects of whatever description: s. 102.

Provisions
in rules.

The rules must make provision for the investment of the funds of a society (Sch. I.), but apart from express provisions in the rules, investments (a), (b), and (c) are the authorised ones for trustees of a society to make, and the funds in their hands are not, it would seem, trust funds subject to the powers conferred by the Trustee Act, 1893 (56 & 57 Vict. c. 53), s. 1: cf. *Re National Permanent Mutual Benefit Building Society*, 43 C. D. 431. The rules of a society might, however, authorise investments in the manner allowed by the Trustee Act, 1893.

Personal
security.

There must be some security for the funds of a society. Personal security means the security of individuals, and is not used as opposed to "real" securities. Except loans made under ss. 45, 46, which is the exception referred to in clause (e), no mere debt is a security on which the funds can be invested. Deposit accounts with bankers, building societies, co-operative societies, as well as the practice of treasurers paying interest for the balances in their hands are unauthorised. The investment of funds of a society on personal security is merely unauthorised, constituting a breach of trust; it is not illegal, so as to prevent the trustees maintaining a suit to recover the money from the persons to whom it is lent: *Re Coltman*, 19 C. D. 64; cf. also *Hardy v. Metropolitan Land and Finance Co.*, 7 Ch. 427. Persons taking part in an unauthorised application of the funds are liable to penalties under s. 87, and the society which sanctions it under s. 84. At the Wigan County Police Court (12th August, 1881), the trustees of a society were convicted, at the suit of the chief registrar, for having

invested money on personal security, viz. a promissory note of a member. The loan had been made with the consent of a majority of a meeting of the society, although warned by a trustee that the investment was illegal: R. C. R. (1881) 17.

SS. 44, 45,
46.
Property,
funds,
and invest-
ments.

(2.) The rules of a society with branches and of any branch thereof may provide for the investment of funds of the society or of that branch by the trustees of any branch, or by the trustees of the society, and the consent required for any such investment shall be the consent of the committee, or of such majority as aforesaid of the society or branch by whom the funds are invested.

This provision was first enacted by the F.S.A., 1895. As to a society with branches, see s. 17 *et seq.* This subsection gives, in the case of the affiliated orders, power for the district trustees to invest funds of the courts which under s. 49 may be vested in them: the want of this power was previously supplied by the formation of investment societies under special authority No. 10.

45.—(1.) A registered society and, subject to the rules of the society, a registered branch may advance to a member of at least one full year's standing any sum not exceeding one half of the amount of an assurance on his life, on the written security of himself and two satisfactory sureties for repayment.

Loans to
assured
members.

(2.) The amount so advanced, with all interest thereon, may be deducted from the sum assured, without prejudice in the meantime to the operation of the security.

This power of making loans to assured members is now extended to a registered branch. The loans under this section may be made out of the general funds of the society: but the loans must be made to members only and subject to the conditions specified in the section: see s. 44 (1) (e).

46. A registered society may, out of any separate loan fund to be formed by contributions or deposits of its members, make loans to members on their personal security, with or without sureties, as may be provided by the rules, subject to the following restrictions:

Loans out
of separate
loan fund.

(a.) A loan shall not at any time be made out of money contributed for the other purposes of the society:

(b.) A member shall not be capable of holding any

SS. 46, 47.

*Property,
funds,
and invest-
ments.*

interest in the loan fund exceeding two hundred pounds:

(c.) A society shall not make any loan to a member on personal security beyond the amount fixed by the rules, or make any loan which, together with any money owing by a member to the society, exceeds fifty pounds:

(d.) A society shall not hold at any one time on deposit from its members any money beyond the amount fixed by the rules, and the amount so fixed shall not exceed two thirds of the total sums owing to the society by the members who have borrowed from the loan fund.

This section, which, it is to be noticed, does not apply to branches, provides for loans to members only out of a separate loan fund.

Deposits made by a member in the separate loan account under this section are moneys payable by the society on the death of a member, and may be nominated by that member: s. 56.

Loan
societies.

A "special authority" (May 16, 1876) has been granted authorising the formation of loan societies, for the express purpose of making loans under this section.

Holding of
land.

47.—(1.) A registered society or branch may (if the rules thereof so provide) hold, purchase, or take on lease in the names of the trustees of the society or branch any land, and may sell, exchange, mortgage, lease, or build upon that land (with power to alter and pull down buildings and again rebuild), and a purchaser, assignee, mortgagee, or tenant shall not be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all sums of money arising from or in connexion with the sale, exchange, mortgage, or lease.

(2.) A branch of a registered society need not for the purposes of this section be separately registered.

(3.) Nothing in this section shall authorise a benevolent society to hold land exceeding one acre in extent.

The word "purchase" in this section is used in its ordinary sense of "buy for money," a devise of land or bequest of leaseholds by will to a society is apparently invalid: see *Re Amos*, 1891, 3 Ch. 159, which

was decided upon a similar section (s. 7) in the Trade Union Act, 1871 **ss. 47, 48, 49.**
(34 & 35 Vict. c. 31).

Except in the case of a benevolent society (subs. 3) there is no limit to the extent or value of land which may be held, purchased, or taken on lease by a registered society or branch.

The power of a society to mortgage land it may hold implies a limited power of borrowing on the part of the society, but it does not appear that a society has any power to borrow, except such sums as it can raise by mortgaging its real and leasehold properties.

But where money has been borrowed for a society and applied for its benefit the society cannot exempt itself from responsibility by showing that the directors have exceeded their borrowing powers, or that the formalities required by the rules have not been followed: *Pare v. Clegg*, 29 Beav. 589.

48. Where a registered society or branch is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the hereditaments are held shall, if the society or branch so requires, admit not more than three trustees of the society or branch as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant.

Compare the Building Societies Act, 1874 (37 & 38 Vict. c. 42), s. 28, and the Industrial and Provident Societies Act, 1893 (56 & 57 Vict. c. 39), s. 37.

Unless the rules of the society so provide (ss. 44, 47) a society cannot invest in the purchase or on the security of copyholds.

49.—(1.) All property belonging to a registered society, whether acquired before or after the society is registered, shall vest in the trustees for the time being of the society, for the use and benefit of the society and the members thereof, and of all persons claiming through the members according to the rules of the society.

(2.) The property of a registered branch of a society shall vest wholly or partly in the trustees for the time being of that branch or of any other branch of which that branch forms part (or, if the rules of the society so provide, in the trustees for the time being of the society), for the use and benefit either of the members of any such branch and persons claiming through those members, or of the

S. 49.

Property,
funds,
and invest-
ments.

Invest-
ments.

Devolu-
tion of
liabilities.

Vesting of
property
in trustees.

members of the society generally, and persons claiming through them, according to the rules of the society.

Investments should be under the title "Trustees of —." No transfer on appointment of new trustees is necessary, see s. 50, except that public funds of Great Britain and Ireland require to be transferred into the names of the succeeding trustees; and in the case of a trustee, in whose name either solely or jointly any stock stands, becoming bankrupt, or lunatic, or dying, or removing, or if it is uncertain whether he be living or dead, the chief registrar may direct a transfer of the stock: s. 34. The Bank of England refuses to allow stock to stand in the names of more than four persons in the absence of special circumstances.

The trustees are a continuing body for nearly all purposes. Thus an injunction had been granted against certain trustees of a society by name, restraining them from dividing £2000, part of the society's funds, amongst its members: these trustees retired, and others were appointed, and the society then passed fresh resolutions for dividing the £2000, which division the new trustees carried out. It was held that the new trustees, as well as the old who were cognisant of it, were guilty of contempt: *Avory v. Andrews*, 46 L. T. N.S. 279.

The property vests in the trustees, so that they may maintain *assumpsit* for money had and received against one who had been a member for money entrusted to his keeping: *Sharp v. Warren*, 6 Pr. 131. Deposit notes of a banker, the property of an unregistered society, vest in the trustees upon registration, and must be delivered to them by those in whose hands they are: *Yeates v. Roberts*, 7 D. M. & G. 227. See also *Oldham Our Lady's Sick and Burial Society v. Taylor*, 3 T. L. R. 472.

(3.) The trustees shall not be liable to make good any deficiency in the funds of the society or branch, but shall be liable only for sums of money actually received by them respectively on account of the society or branch.

Trustees whose duties are ministerial only, if they dispose of the property as the committee of management direct, will not be personally liable if such disposition is contrary to the rules: *Grimes v. Harrison*, 26 Beav. 435. But if the trustees have entered into a contract which is *ultra vires*, and under which they have been held liable, they cannot compel the members to recoup their loss: *Re Kent Benefit Building Society*, 1 Dr. & S. 417.

In a later case a lodge of the Manchester Unity of Oddfellows passed a resolution for dividing £1000: the money was paid away without any previous lawful procedure, and, notwithstanding a warning that the division would be illegal, a resolution was passed by the members that they would indemnify the trustees against any legal proceedings that might be taken. In an action against the trustees of the lodge by the members of the Board of Directors of the Unity an order was

made declaring the trustees of the lodge liable to repay the money: *Cox v. James*, R. C. R. (1882) 19, F. S. Cas. 282. See also, to the same effect, *Holmes v. Taylor*, F. S. Cas. 285, and *Scott v. Evans*, F. S. Cas. 560. ss. 49, 50, 51, 52.

50. Upon the death, resignation, or removal of a trustee of a registered society or branch, the property vested in that trustee shall, without conveyance or assignment, and whether the property is real or personal, vest, as personal estate subject to the same trusts, in the succeeding trustees of that society or branch either solely or together with any surviving or continuing trustees, and, until the appointment of succeeding trustees, shall so vest in the surviving or continuing trustees only, or in the executors or administrators of the last surviving or continuing trustee, except that stocks and securities in the public funds of Great Britain and Ireland shall be transferred into the names of the succeeding trustees, either solely or jointly with any surviving or continuing trustees.

Property, funds, and investments.

Devolution on death.

Even where land is conveyed to the trustees of a society by name it vests in the trustees from time to time, and on a sale the trustees for the time being would be the proper persons to convey to a purchaser. In the case of a person who has to make payments to the trustees, *e.g.* where a mortgagor has received an advance out of the funds of a society, the mortgage being in the names of the trustees, the mortgagor can satisfy himself as to the proper parties to make payment to by an examination of the books of the society, or by obtaining certified copies of the appointments of trustees of the society.

If for any reason stocks and securities in the public funds cannot be transferred to the new trustees, application should be made under s. 34 to the chief registrar to direct a transfer.

51. In all legal proceedings whatsoever concerning any property vested in the trustees of a registered society or branch, the property may be stated to be the property of the trustees in their proper names as trustees for the society or branch without further description.

Description in legal proceedings.

52.—(1.) A registered society or branch may pay to the account of the National Debt Commissioners at the Bank of England or the Bank of Ireland, as the case may require, any sum of money not less than fifty pounds upon a declaration of the trustees of the society or branch, or any

Investments with the National Debt Commissioners.

s. 52. two of them, that the money belongs exclusively to the society or branch.

*Property,
funds,
and invest-
ments.*

(2.) The cashier of the Bank shall receive all such sums of money and place them to the account of the Commissioners in the book of the bank named "The Fund for Friendly Societies."

The Customs, Inland Revenue, and Savings Bank Act, 1877 (40 Vict. c. 13), provides for the application of the surplus interest from this fund (s. 16), and for annual accounts to be laid before Parliament (s. 17); and the Revenue, Friendly Societies, and National Debt Act, 1882 (45 & 46 Vict. c. 72), s. 21, provides for a guarantee from the Consolidated Fund of the moneys due from the National Debt Commissioners to friendly societies and for the investment of such moneys.

(3.) A sum of money paid in upon a false declaration shall be forfeited to the Commissioners, and applied by them in the manner directed by section twelve of the Savings Banks Act, 1891.

**54 & 55
Vict. c. 21.**

The enactment here alluded to provides that the deposit upon forfeiture shall be transferred to the account of the Sinking Fund, with, however, this proviso:—

"Nothing in this section or in any other enactment relating to savings banks shall prevent a friendly society [which is defined to mean a friendly society legally registered in the manner required by the Acts for the time being in force relating to friendly societies and to include a registered branch] from having deposits in more than one savings bank in the United Kingdom, or from having deposits standing to the credit of more than one account in the same savings bank in the United Kingdom, and a person making a deposit in a savings bank on behalf of a friendly society shall not be bound to make a declaration to the effect that the society is not entitled to any benefit from deposits in that or any other savings bank."

**Declara-
tion by
trustees.**

The only declaration it would seem that the trustees of the society have to make, is that prescribed by subs. (1) of this section.

(4.) The provisions of sections twenty-one, twenty-two, twenty-four, twenty-five, twenty-six, twenty-seven, and twenty-eight of the Trustee Savings Banks Act, 1863, as to the regulation of receipts, certificates, and orders, shall apply to money paid under this section.

**26 & 27
Vict. c. 87.**

The provisions referred to are briefly as follows:—On payment of money into the Bank to the account of the National Debt Commissioners, their officer shall give a receipt for the same carrying interest (s. 21); interest is to be calculated half yearly, up to 20th November

and 20th of May, and carried to the account of the society as additional principal, no interest being allowed on any fractional part of a pound (s. 22); before drawing for money, the trustees shall sign an appointment of an agent to receive the same, which appointment shall be deposited with the Commissioners, appointments being revocable (s. 24); the trustees may draw for the whole or any part of any sum placed to their account by drafts on the Commissioners, which shall be endorsed by their officer and paid, with the interest added thereto, by the cashiers of the Bank (s. 25); a draft exceeding £5000 is to be signed by four trustees and attested by separate witnesses, a draft exceeding £10,000 is not to be paid until after fourteen days (s. 26); the officer is not to issue in one day orders for more than £10,000 for the same society (s. 27); and trustees appearing in person may receive payment of drafts instead of their agents, such receipt of money by the trustees not affecting any previous appointment of agents (s. 28).

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Property,
funds,
and invest-
ments.

(5.) A society or branch so investing money with the Commissioners shall be entitled to a receipt entitling to interest at the following rates:—

To a friendly society or branch legally established before the twenty-eighth of July one thousand eight hundred and twenty-eight, which had invested funds with the Commissioners before the twenty-third of July one thousand eight hundred and fifty-five, a rate of interest in respect of any assurance made before the fifteenth of August one thousand eight hundred and fifty of

Three pence
per centum
per diem.

To a friendly society or branch legally established between the twenty-eighth of July one thousand eight hundred and twenty-eight and the fifteenth of August one thousand eight hundred and fifty, which had invested funds with the Commissioners before the twenty-third of July one thousand eight hundred and fifty-five, a rate of interest in respect of any assurance made before the fifteenth of August one thousand eight hundred and fifty of

Two pence
half penny
per centum
per diem.

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*Property,
 funds,
 and invest-
 ments.*

To a friendly society or branch legally established before the twenty-eighth of June one thousand eight hundred and eighty-eight, which had invested funds with the Commissioners before the first day of January one thousand eight hundred and ninety-six, a rate of interest in respect of any assurance made on or before the said twenty-eighth day of June of . . .

Twopence per
centum per
diem.

To a society or branch in respect of any investment with the Commissioners, other than as herein-before in this section mentioned, a rate of interest of

Two pounds
fifteen shil-
lings per
centum per
annum.

The following summary, in tabular form, of this subsection shows the rates of interest now payable by the Commissioners for the reduction of the National Debt upon money invested with them by friendly societies and branches:—

Date of legal establishment of society or branch.	Date of first investment with Commissioners.	Date when assurance was made.	Rate of interest.		
			per diem.	per annum.	
Before 28 July, 1828	Before 23 July, 1855	Before 15 Aug., 1850	3	<i>£</i>	<i>s. d.</i>
Between 28 July, 1828, and 15 Aug., 1850	do.	do.		4	11 3
Before 28 June, 1888	Before 1 Jan., 1896	On or before 28 June, 1888	2	3	0 10
All other dates	—	—	—	2	15 0

(6.) A society or branch withdrawing money so invested with the Commissioners shall not be entitled to make any further deposit without their consent.

(7.) A society or branch so investing money with the Commissioners shall furnish such returns as may be required by the Commissioners, in respect of the funds deposited with them, and the assurances to which those funds relate.

(8.) A society or branch having funds invested with the Commissioners at a rate higher than two pounds fifteen shillings per centum per annum shall retain at that rate so much only of its funds as arises from assurances made before the date applicable to that rate, after deducting all benefit payments and management expenses incurred on account of those assurances; and whenever the society or branch fails to satisfy the Commissioners of its title to retain at that rate any part of its funds, the Commissioners shall require the withdrawal thereof, or the transfer thereof to the rate of twopence per centum per diem, or two pounds fifteen shillings per centum per annum, as the case may require, and in default of withdrawal within thirty days, shall transfer the same in their books accordingly, and shall notify the transfer to the society or branch.

ss. 52, 53.
*Property,
 funds,
 and invest-
 ments.*

(9.) Whenever it appears to the Commissioners that all the members of a society or branch assured before the fifteenth day of August one thousand eight hundred and fifty have died or ceased to be members, the Commissioners shall forthwith transfer in their books to the rate of twopence per centum per diem, or two pounds fifteen shillings per centum per annum, as the case may require, all funds of the society or branch remaining invested at any higher rate, and shall notify the transfer to the society or branch.

53.—(1.) A receipt under the hands of the trustees of a registered society or branch, countersigned by the secretary, for all sums of money secured to the society or branch by any mortgage or other assurance, being in the form prescribed by this Act, if endorsed upon or annexed to the mortgage or other assurance, shall vacate the mortgage or assurance and vest the property therein comprised in the person entitled to the equity of redemption of that property, without reconveyance or resurrender.

Discharge
 of mort-
 gages by
 receipt
 endorsed.

This subsection is similar to that contained in the Building Societies Act, 1874 (37 & 38 Vict. c. 42), s. 42, which has received judicial interpretation on several occasions; it provides a cheap statutory

S. 53.

Property,
funds,
and invest-
ments.

substitute for reconveyance of the legal estate, and the receipt operates in favour of the person who at its date has the best right to a conveyance of the property mortgaged: and the existing law as to the rights and interests, *inter se*, of mortgagors and mortgagees is unaffected.

Form of
receipt.

S. 98 (4) provides that the form of the receipt may be either that given in Part III. of Sch. II., or any form specified in the rules of the society or branch or any schedule thereto.

Convey-
ance by
receipt.

In *Pease v. Jackson*, 3 Ch. 576, it was decided that by virtue of the endorsed receipt the legal estate vests in the mortgagor or in the person who has the best right to call for it. This was followed in *Lawrence v. Clements*, 31 L. T. N.S. 670; *Fourth City Mutual Benefit Building Society v. Williams* and *Marson v. Cox*, 14 C. D. 140; *Robinson v. Trevor*, 12 Q. B. D. 423; *Stamers v. Preston*, 9 Ir. C. L. R. 351; *Sungster v. Cochrane*, 28 C. D. 298.

Tacking.

The second point decided in *Pease v. Jackson*, that under the circumstances there was no right to tack, and followed in *Lawrence v. Clements* and *Robinson v. Trevor*, was overruled by the House of

Hosking v. Smith.

Lords in *Hosking v. Smith*, 13 App. Cas. 582. In that case a person mortgaged leaseholds to building societies and executed a second mortgage to S. He afterwards borrowed a sum from H., which was paid, partly to redeem the first mortgagees and partly direct to the mortgagor, who executed a mortgage to H. to secure the loan. Upon being paid off, the building societies endorsed statutory receipts on the mortgages, and handed the endorsed deeds with the title deeds to H. Neither the building societies nor H. had any notice of the second mortgage. It was held that H.'s mortgage had priority over S.'s mortgage, not only in respect of the money applied to pay off the building societies, but also in respect of the balance paid directly to the mortgagor.

Thus the statutory receipt has the same effect as if the legal estate had passed by reconveyance only: *Carlisle Banking Co. v. Thompson*, 28 C. D. 398.

Effect of
the receipt.

The giving of the statutory receipt precludes the society from saying that there is any debt due to them: *Harvey v. Municipal Permanent Investment Building Society*, 26 C. D. 273; *London and County United Building Society v. Angell*, 65 L. J. Q. B. 194; but where the society has endorsed the receipt and handed the mortgage with the receipt to a person to receive the money for them, it is open to the society to show that they have never been paid off and that the statutory receipt and the mortgage were delivered only as an escrow, so that the legal estate remains vested in them: *Lloyd's Bank, Limited, v. Bullock*, 1896, 2 Ch. 192.

It would seem that the statutory receipt is exempt from stamp duty: s. 33 (d), and this is the accepted construction of the corresponding exemption in the Building Societies Act, 1874 (37 & 38 Vict. c. 42), s. 41. The reasoning of the judgments in *Re Royal Liver Friendly*

Society, L. R. 5 Ex. 78, does not seem to favour such a view, but the exemption seems now well established.

S. 53.

If in a mortgage to a society the deed empowers "the trustees or trustee for the time being of the society," in case of default, to sell the mortgaged property, the power of sale cannot be exercised by any person other than the trustees or trustee, and a person to whom the mortgage is assigned without the concurrence of the mortgagor cannot make a title to the property: *Re Rumney and Smith*, 1897, 2 Ch. 351.

Property, funds, and investments.

Power of sale in mortgage to society.

(2.) If the mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of copyholds or of lands of customary tenure and entered on any court rolls, the registrar under any such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of the receipt, verified by oath of any person, enter satisfaction of the mortgage or charge made by the assurance on the register or court rolls, and shall grant a certificate, either upon the mortgage or assurance, or separately to the like effect.

This subsection provides the means of perfecting the evidence of title upon the redemption of a mortgage to a society.

(3.) The certificate shall be received in evidence in all courts and proceedings without further proof.

(4.) The person making the entry shall be entitled for making the said entry and granting the said certificate to a fee of two shillings and sixpence, which in Ireland shall be paid by stamps and applied in accordance with the Public Offices Fees Act, 1879.

42 & 43
Vict. c. 58.

(5.) This section shall not extend to Scotland or the Island of Jersey.

Officers in Receipt or Charge of Money.

S. 54.

54. Every officer of a registered society or branch having receipt or charge of money shall, if the rules of the society or branch so require, before taking upon himself the execution of his office, become bound with one sufficient surety at the least in a bond or give the security of a guarantee society, in such sum as the society or

Officers in receipt or charge of money.

Security by officers.

SS. 54, 55. branch directs, conditioned for his rendering a just and true account of all sums of money received and paid by him on account of the society or branch at such times as its rules appoint, or as the society or branch or the trustees or committee thereof require him to do, and for the payment by him of all sums due from him to the society or branch.

*Officers
in receipt
or charge
of money.*

The bond is to be in one of the forms in Part III. of Sch. II. : s. 98 (4); it need not be stamped : s. 33 (c).

In event of bankruptcy, the society's claims have priority over other creditors : s. 35. The neglect of a society to obtain this bond from an officer is a bar to their preferential claim on the bankruptcy of such officer (county court) : *John o' Gaunt Lodge v. Bell*, F. S. Cas. 67.

As to the responsibility of a treasurer in respect of the loss of money immediately after its receipt, see *Walker v. British Guarantee Association*, 21 L. J. Q. B. 257.

The treasurer of an unregistered society which cannot take advantage of the provisions of the Act, can nevertheless sue on a bond at common law : *Jones v. Woollam*, 5 B. & A. 769.

*Guarantee
societies.*

A special authority has been granted (January 31, 1878) authorising the formation of guarantee societies for the purpose of giving the security required by this section. On the construction of a guarantee policy, see *Fifth Liverpool Starr-Bowkett Building Society v. Travellers Accident Insurance Co.*, 9 T. L. R. 221.

*Accounts
of officers.*

55.—(1.) Every officer of a registered society or branch having receipt or charge of money shall, at such times as by the rules of the society or branch he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society or branch, or by the trustees or committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all sums of money and deliver all property in his hands or custody to such person as the society or branch, or the committee or the trustees, appoint.

(2.) In case of any neglect or refusal to deliver the account, or to pay over the sums of money or to deliver the property in manner aforesaid, the trustees or authorised officers of the society or branch may sue upon the bond or

security before mentioned, or may apply to the county court or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

S. 55.

*Officers
in receipt
or charge
of money.*

A treasurer of a society is an accountable officer and not a servant of the trustees so as to make him, by misappropriation of money received by him as treasurer, liable to be convicted of embezzlement: *R. v. Tyree*, L. R. 1 C. C. 177. An unregistered society, some of whose rules are in restraint of trade, can nevertheless prosecute their servants for embezzlement: *R. v. Stainer*, L. R. 1 C. C. 230.

In the case of an unregistered society in preferring an indictment against an officer for embezzlement, it should be remembered that the society has no corporate existence, and the property must be laid in the trustees of the society or other persons in whom the property is vested by the rules: *R. v. Tankard*, 1894, 1 Q. B. 548.

Under this section a society can compel a collector to produce his collecting book for examination, in case of the books being their property: *Ellwood v. Liverpool Victoria Legal Friendly Society*, 42 L. T. N.S. 694.

An officer of a society entrusted with moneys of the society jointly with another person who is a member but not an officer of the society, was held not within the summary remedy provided by 33 Geo. 3, c. 54, s. 8: *Re Heanor Friendly Society*, 1 Beav. 509.

It would appear, as in the case of s. 68 (6), that this application to the county court is permissive merely, and does not exclude the jurisdiction of the High Court: cf. *Re Royal Liver Friendly Society*, 35 C. D. 332. If the amount of the bond exceed £50, it would seem that the action must be commenced in the High Court. Whether the bond is put in suit or not, an action may be brought in the county court to cause the specified acts to be done or to remedy the neglect.

Applica-
tion to
county
court.

If application be made to the county court it should be to the court within the district of which the defendant shall dwell or carry on his business at the time of commencing the action: 51 & 52 Vict. c. 43, s. 74. The application should be by action commenced by plaint and summons in the ordinary way, in which the society or the trustees or authorised officers thereof shall be plaintiffs, and the person against whom the application is made defendant: C. C. R. Or. XLI. r. 4. In every such action particulars of demand must be filed: *Ib.* r. 6. If the application be made by action without putting the bond in suit, the particulars shall state shortly the nature of the thing required to be done or the neglect complained of: *Ib.* r. 7. If the thing required to be done be the delivering up of any property, the particulars shall contain a description of the property required to be given up: *Ib.* r. 8.

Procedure.

Besides the application to the county court or court of summary jurisdiction authorised under this section, the society may sue upon the bond given under s. 54.

s. 55.

*Officers
in receipt
or charge
of money.*

An order of the justices to pay or to do some act may be enforced by indictment or distress, see s. 92. This power of proceeding by indictment has not been superseded by the statutory remedy to enforce payment of a civil debt provided by s. 35 of the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49): *R. v. Justices of Stafford*, 29 L. J. 325. See also *Ex p. Foster*, *Times*, April 17, 1894.

The non-delivery of the account or property on demand would appear to be a continuing offence, see *Mayer v. Harding*, 17 L. T. N.S. 140, but in the case of the demand to pay money, the jurisdiction of a court of summary jurisdiction would seem to be barred by 11 & 12 Vict. c. 43, s. 11, after six months have elapsed from the first demand being made, and a new demand at a subsequent period would not furnish a fresh cause of complaint: see *Harpin v. Sykes*, 49 J. P. 148. It does not appear that there is any like time limit to proceedings in the county court under this section.

“Final
and con-
clusive.”

There is no appeal from the order of the Sheriff Court under this section, even though it is alleged that the real question at issue is the legality of the dismissal of the officer against whom the demand is made: *First Edinburgh and Leith 415th Starr-Bowkett Building Society v. Munro*, 11 Rett. 5.

s. 56.*Payments on Death generally.*

*Payments
on death
generally.*

Power of
member to
dispose of
sums pay-
able on his
death by
nomina-
tion.

56.—(1.) A member of a registered society (other than a benevolent society or working men's club) or branch thereof, not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society or branch, or made in a book kept at that office, nominate a person to whom any sum of money payable by the society or branch on the death of that member, not exceeding one hundred pounds, shall be paid at his decease.

Recording
of nomina-
tions.

Every nomination made by a member and every revocation and variation of a nomination shall be recorded by the society or branch, and for that recording the rules of the society may require the member to pay a sum not exceeding threepence: T. R. 25.

Manner of
making a
nomina-
tion.

A nomination is in the nature of a statutory will, and therefore in the making of a nomination the directions of the statute must be complied with. “Writing” must be construed as including a reference to printing: Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 20, so that a nomination may be partly written and partly printed. The signature of the nominator is essential; an unsigned letter in another person's handwriting was held by a magistrate not a sufficient compliance with the statute: *Wright v. Darkhouse Friendly Society*,

F. S. Cas. 407. The nomination must be "delivered at or sent to the office of the society;" a nomination which upon its execution was taken possession of by the secretary of the society was held by the county court to be a good nomination: *Hughes v. Hardy*, F. S. Cas. 402; it must also be delivered or sent during the lifetime of the member nominating, and a nomination produced to the society after the death of the member would be invalid, though if executed in accordance with the Wills Act it might take effect as a testamentary disposition. On the other hand, a will cannot operate as a valid nomination unless the original is left in the custody of the society at their office: see *Fielding v. Rochdale Equitable Pioneers' Society*, 92 L. T. 431.

S. 56.

Payments
on death
generally.

The nominee may be any person whatever, subject only to the qualification in subs. (3): where, however, the rules specify certain relations who may be nominated, but do not expressly exclude other persons, the generality of the statutory power is not restricted: *Lavin v. Howley*, 102 L. T. 560.

Who may
be nomi-
nated.

If the sum payable by the society to the deceased member exceed £100 it would appear that a nomination would be ineffectual, and the society would be bound to pay the sum to the legal personal representative of the deceased member, but *quære* whether the nomination would not be valid up to the sum of £100.

When the
sum
exceeds
£100.

The extent of the power conferred by this section appears to have given rise to some difference of opinion, though as yet it has not received any judicial interpretation. By s. 5 of the Provident Nominations and Small Intestacies Act, 1883 (46 & 47 Vict. c. 47), a similar power of nomination was conferred on depositors in savings banks in almost identical terms. Two questions arose thereon: (1) whether a nomination might be made of a part only of the sum standing to the credit of a depositor; and (2) whether it might be made to more than one nominee. These points were in 1886 submitted to the law officers of the Crown, viz. to the present Lord Russell of Killowen, C.J., and Lord Davey. As regards the first point, Lord Davey was of opinion that the nomination must exhaust the whole sum, Lord Russell being of the contrary opinion; while as regards the second point, they were of opinion that the sum might be apportioned in respect of several nominees. Later in the same year the same points were submitted to Sir Richard Webster and Sir E. Clarke, who were of opinion that the nomination must exhaust the whole sum and could only be made in favour of a single nominee: R. C. R. (1886) 74. It would seem, therefore, to be the better view that the nomination ought to exhaust the whole of the moneys payable; but on the second point it must be noticed that singular includes plural in Acts of Parliament, and the writer is of opinion that the view that more than one person may be nominated is the more correct. In *Fielding v. Rochdale Equitable Pioneers' Society*, 92 L. T. 431, the validity of a nomination in favour of seven persons appears not to have been called in question.

Extent of
power of
nominat-
ion.

SS. 56, 57.

*Payments
on death
generally.*

It is to be noticed that the Industrial and Provident Societies Act, 1893 (56 & 57 Vict. c. 39), s. 25, in re-enacting the provision as to nomination, places the question beyond doubt, and it would be in the interest of friendly societies that the provisions as to nominations should be amended in this respect.

(2.) The sum of money payable by the society or branch on the death of a member, shall include sums of money contributed to or deposited in the separate loan account and the sums of money accumulated for the use of the member under the provisions of this Act with interest thereon.

As to deposits in the separate loan account, see s. 46, and sums accumulated for a member's use, see s. 42.

(3.) The person so nominated must not be an officer or servant of the society or branch, unless that officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator.

(4.) A nomination so made may be revoked and varied by any similar document under the hand of the nominator, delivered, sent, or made as aforesaid.

*Varying or
revoking a
nomination.*

The power of varying and revoking a nomination is statutory, and the directions of the statute must be strictly complied with as in the making of a nomination, see note to subs. 1 *supra*. A will cannot operate as a valid revocation of a nomination, unless the original will is left in the custody of the society at their office and the mere production of such will or the probate thereof is not a compliance with the statute: *M'Kee v. Meikle*, 27 Ir. L. T. R. 100; *Fielding v. Rochdale Equitable Pioneers' Society*, 92 L. T. 431; *Lavin v. Howley*, 102 L. T. 560.

(5.) The marriage of a member of a society or branch shall operate as a revocation of any nomination theretofore made by that member under this section.

As to payments made by a society in ignorance of a marriage subsequent to a nomination, see s. 60 (2).

*Proceedings on
death of a
nominator.*

57.—(1.) On receiving satisfactory proof of the death of a nominator, the society or branch shall pay to the nominee the amount due to the deceased member, not exceeding the said sum of one hundred pounds.

(2.) The receipt of a nominee over sixteen years of age **ss. 57, 58.** for any amount so paid shall be valid.

*Payments
on death
generally.*

If the member nominate, then, whether he leave a will or not, the society is to pay to the nominee in preference to an executor or administrator, and the society failing to do so commits an offence under the Act: s. 84. But as to the rights of the next of kin or lawful representative of a deceased member against a nominee who has received payment, see s. 60. If the member make no nomination, but die testate, the society must pay to his executor; if he die intestate and without nominating, the society may pay to his administrator, or may exercise the power conferred on them by s. 58 (1). In the case of the Channel Islands and the Isle of Man, in default of a nomination payment must be made as directed in s. 105.

To prevent frauds on the revenue, all payments are subject to the provisions of ss. 57 (3) and 59. Liability
to duty.

(3.) If the total sum in respect to which a nomination may be made under this Act by a member, after deducting any sums of money payable under the rules of the society or branch, or otherwise, for the purpose of defraying funeral expenses, exceeds at the time of the death of that member eighty pounds, the society or branch shall before making any payment require the production of a duly stamped receipt for the succession or legacy duty payable thereon, or a letter or certificate from the Commissioners of Inland Revenue stating that no such duty is payable.

(4.) The Commissioners shall give such receipt, letter, or certificate on the payment of the duty or satisfactory proof of no duty being payable, as the case may be.

These subsections reproduce s. 10 (1) of the Provident Nominations and Small Intestacies Act, 1883 (46 & 47 Vict. c. 47), which by s. 1 of that Act was not extended to the Channel Islands and the Isle of Man. There is no such restriction in this Act on the extent of the application of these subsections.

The amount of loans advanced to a member with interest may be deducted: s. 45 (2).

58.—(1.) If any member of a registered society or Intestacy. branch, entitled from the funds thereof to a sum not exceeding one hundred pounds, dies intestate and without having made any nomination thereof then subsisting,

S. 58.
*Payments
 on death
 generally.*

the society or branch may, without letters of administration, distribute the sum among such persons as appear to a majority of the trustees, upon such evidence as they may deem satisfactory, to be entitled by law to receive that sum, subject, if that sum, after making such deductions as aforesaid, exceeds eighty pounds, to the obtaining from the Commissioners of Inland Revenue a receipt for the succession or legacy duty payable thereon, or a letter or certificate stating that no such duty is payable.

(2.) If any such member is illegitimate, the trustees may pay the sum of money which that member might have nominated to or among the persons who, in the opinion of a majority of them, would have been entitled thereto if that member had been legitimate, or if there are no such persons, the society or branch shall deal with the money as the Treasury may direct.

Discretion of trustees. The power of the society to distribute under this section only arises when the member has died intestate *and* without having made any nomination of the moneys to which he is entitled subsisting at his death, and even then the power is entirely discretionary, and the trustees cannot be compelled by action to exercise that discretion: *Escrutt v. Todmorden Co-operative Society*, 1896, 1 Q. B. 461. From this case, too, it might be inferred that if a nomination exhausted only a part of the moneys the society might at their discretion distribute the balance.

Care is required in exercising the power under this section, for though it enables the society to dispense with strict legal evidence of relationship or title, it does not alter the legal title or allow the society to alter it or authorise them to pick and choose among the next of kin of the deceased; thus where a society paid to one alone of the next of kin in accordance with the directions of the majority of them, it was held by the Court of Session that as the majority had no right to dispose of the rights of the others, the society had not paid to a person "entitled by law," and the administrator could recover against the society: *Symington v. Galashiels Co-operative Store Company, Ltd.*, 21 Rett. 371.

"Appears" means "reasonably appears" with reference to all the circumstances of the case and to the amount and the nature of the claim and the probability of the person claiming being the person who is entitled; thus a society is justified in paying money on the death of a member to his widow, although he may have left a will of which the society has no notice: *Nelson v. Royal London Friendly*

Society (Post Magazine and Insurance Monitor, 1890, vol. 51, p. 20); **SS. 58, 59.**
 but if through ignorance of fact the society pays to the wrong person
 the society will not get a good discharge: *Garratt v. Liverpool*
Victoria Legal Friendly Society, F. S. Cas. 554.

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Payments
on death
generally.

The application of the effects of an intestate is regulated by the Statutes of Distribution (22 & 23 Car. 2, c. 10; 1 Jac. 2, c. 17, s. 7) and the Intestates' Estates Act, 1890 (53 & 54 Vict. c. 29). Under these statutes, if the intestate leave a widow and issue, the widow takes a third; if he leave no issue she takes £500, together with a half of the remainder of the estate, or the whole if the estate does not exceed £500. If the intestate leave children, then, subject to the widow's right, his effects shall be equally divided amongst them; but the descendants of such children as have died in the intestate's lifetime stand in the place of their parent or ancestor. If the intestate leave no children, or representatives of them, then, subject to the widow's right, his father takes the whole, or, if the father be dead, the mother, brothers, and sisters of the intestate take in equal shares, the children of a dead brother or sister standing *in loco parentis*; brothers and sisters of the half blood have an equal claim with those of the whole blood, but a step-mother can take nothing. If there be neither mother, brother, nor sister of the intestate living, his personal estate will be distributed in equal shares amongst those who are next in degree of kindred to him; but with the exception of brothers' and sisters' children, no right of representation belongs to the children of relatives with respect to the shares which their deceased parents would have taken. The husband of a married woman is entitled to the whole of her effects: 29 Car. 2, c. 3, s. 25.

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 Person
 entitled.

"Such deductions as aforesaid" refers to "deducting any sums of money payable under the rules of the society or branch or otherwise for the purpose of defraying funeral expenses," as mentioned in s. 57 (3).

59. When the principal value of the estate in respect of which estate duty is payable of any person entitled to make a nomination under this Act exceeds one hundred pounds, any sum paid under this Act without probate or letters of administration shall, notwithstanding such nomination or payment, be liable to estate duty as part of the amount on which that duty is charged, and the trustees of the society or branch may before making any such payment require a statutory declaration by the claimant, or by one of the claimants, that the principal value of that estate, including the sum in question, does not after deduction of debts and funeral expenses exceed the value of one hundred pounds.

—
 Estate
 duty to be
 paid when
 the whole
 estate ex-
 ceeds one
 hundred
 pounds.

ss. 59, 60. This section reproduces in substance s. 10 (2) of the Provident Nominations and Small Intestacies Act, 1883 (46 & 47 Vict. c. 47), which by s. 1 of that Act was not extended to the Channel Islands and the Isle of Man. There is no such restriction in this Act in the extent of the application of this section.

Payments
on death
generally.

The expressions in this section have been altered so as to accord with those in the Finance Act, 1894 (57 & 58 Vict. c. 30), by which estate duty was imposed.

It would appear prudent for the trustees in all cases to require the statutory declaration authorised by this section.

Validity of
payments.

60.—(1.) A payment made by a registered society or branch, under the foregoing provisions of this Act with respect to payments on death generally to the person who at the time appears to a majority of the trustees to be entitled thereunder, shall be valid and effectual against any demand made upon the trustees or the society or branch by any other person, but the next of kin or lawful representative of the deceased member shall have remedy for recovery of the money, so paid as aforesaid, against the person who has received that money.

(2.) Where the society or branch has paid money to a nominee in ignorance of a marriage subsequent to the nomination, the receipt of the nominee shall be a valid discharge to the society or branch.

Discharge
to the
society.

This section is intended to protect the society and the trustees thereof, who are freed from all claims if payments have been made in accordance with the provisions of the Act: see *Symington v. Galashiels Co-operative Store Company, Ltd.*, 21 Rett. 371; but the Act expressly saves the right of a person having a better title than the payee to recover from him the moneys so paid.

Right of
executor
against a
nominee.

There appears to be a presumption that a nominee is intended to take for his own benefit, unless he has by some anterior agreement intentionally put himself under a prior obligation: *Lavin v. Howley*, 102 L. T. 560; and it is generally a question of evidence whether this is so or not, for the statutory provisions enable the society to pay to him but do not confer on him an absolute title, and after he has received the money he may be ordered to refund to the executor: *Biggs v. Lewis*, 89 L. T. 47, though he may be entitled to retain sums he has expended for funeral expenses and the doctor's bill: *Hughes v. Parry*, 93 L. T. 131. Where a testatrix subsequent to the execution of her will duly nominated the amount due to her by the Post Office Savings Bank at her decease in favour of one of her executors, and there was sufficient evidence to rebut the presumption

that such executor should receive such amount as a gift, it was held that he received the same in his capacity of executor, and he was ordered to account for the same accordingly: *Re Read*, 75 L. T. N.S. 295. SS. 60, 61.
Payments
on death
generally.

The Married Women's Property Act, 1882 (45 & 46 Vict. c. 75), s. 11, appears capable of being applied to the policies of friendly societies, and contains similar provisions for the discharge of the society on making payments.

Registered societies are expressly excluded from the power of paying into Court moneys payable by them conferred by the Life Assurance Companies (Payment into Court) Act, 1896 (59 Vict. c. 8), s. 2.

The Forged Transfers Acts, 1891 and 1892 (54 & 55 Vict. c. 43; 55 & 56 Vict. c. 36), which empower a company to make compensation for losses arising from forged transfers or transfers under a forged power of attorney, and to provide funds for the purpose, and take precautions to guard against such losses, apply to a friendly society incorporated by or in pursuance of any Act of Parliament as if the society were a company: 54 & 55 Vict. c. 43, s. 3.

61.—(1.) A registered society or branch shall not pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths, except upon the production of a certificate of that death under the hand of the registrar of deaths or other person having care of the register of deaths in which that death is or ought to be entered. Certifi-
cates of
death.

(2.) This section shall not apply to deaths at sea, nor to a death by colliery explosion or other accident where the body cannot be found, nor to any death certified by a coroner or procurator fiscal to be the subject of a pending inquest or inquiry.

Except in the case of payments made on the death of children under ten years of age (s. 63), there is no restriction placed on payments by unregistered societies to whom this section does not apply.

The certificate of death is the only evidence upon which a society can make payment in cases where the death is or ought to be entered on the register, except in those cases which are specified in the section. Payment without production of a certificate is an offence under the Act: s. 84. The production of the certificate is the only legal requirement; the society cannot retain the certificate unless the rules so provide.

Registered friendly societies and branches may obtain certificates at a reduced rate: s. 97.

ss. 62, 63,
64.

Payments on Death of Children.

*Payments
on death
of children.*

*Limitation
of amount
payable.*

62. A society or branch, whether registered or unregistered, shall not insure or pay on the death of a child under five years of age any sum of money which, added to any amount payable on the death of that child by any other society or branch, exceeds six pounds, or on the death of a child under ten years of age any sum of money which, added to any amount payable on the death of that child by any other society or branch, exceeds ten pounds.

These sections (62–67), which reproduce s. 28 of the Act of 1875, have a wider scope than s. 61. They extend to unregistered societies and branches as well as those that are registered. They extend to collecting societies registered or unregistered, and industrial assurance companies (C.S.A., s. 13), and also to trade unions, whether registered or unregistered, which insure or pay money on the death of a child under ten years of age: Trade Union Act Amendment Act, 1876 (39 & 40 Vict. c. 22), s. 2; Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 38 (1).

The insurance of children is not confined to members of the society insuring, but a member of a registered friendly society or branch cannot legally insure the payment of any sum beyond the sum necessary for the funeral expenses of the child: see s. 8.

*Person to
whom pay-
ment may
be made.*

63. A society or branch, whether registered or unregistered, shall not pay any sum on the death of a child under ten years of age except to the parent of the child, or to the personal representative of the parent, and upon the production by the parent or his personal representative of a certificate of death issued by the registrar of deaths, or other person having the care of the register of deaths, containing the particulars mentioned in this Act.

It is presumed that “personal representative” means executor or administrator.

The particulars to be contained in the certificate are those mentioned in s. 64.

*Particu-
lars of
certifi-
cates.*

64.—(1.) Where application is made for a certificate of the death of a child for the purpose of obtaining a sum of money from a society or branch, the name of the society

or branch, and the sum sought to be obtained therefrom **ss. 64, 65, 66.**
shall be stated to the registrar of deaths.

(2.) The registrar of deaths shall write on or at the *Payments on death of children.*
foot of the certificate the words "to be produced to the
society or branch (naming the same) said to
be liable for payment of the sum of *l.* (stating the
same)."

(3.) All certificates of the same death shall be numbered
in consecutive order.

For the provisions as to the fees to be charged by registrars of deaths
when a certificate is required, see s. 97.

65.—(1.) A registrar of deaths shall not give any one *Cases in which certificates may be given.*
or more certificates of death for the payment in the whole
of any sum of money exceeding six pounds on the death
of a child under five years, or for the payment in the
whole of a sum exceeding ten pounds on the death of a
child under ten years.

(2.) A registrar of deaths shall not grant any such
certificate unless the cause of death has been previously
entered in the register of deaths on the certificate of a
coroner or of a registered medical practitioner who attended
the deceased child during its last illness, or except upon
the production of a certificate of the probable cause of
death under the hand of a registered medical practitioner,
or of other satisfactory evidence thereof.

It is not quite clear what is meant by "other satisfactory evidence,"
but unless great caution be exercised in this, the evils against which
the enactments relating to child-insurance are directed may arise.

66. A society or branch, whether registered or un- *Inquiries by societies.*
registered, to which is produced a certificate of the death
of a child which does not purport to be the first shall,
before paying any money thereon, inquire whether any
and what sums of money have been paid on the same
death by any other society or branch.

The payment must be (1) to the proper person; (2) upon production
of a proper certificate; (3) upon inquiry as to the amount, if any,
previously paid on the same death; and (4) is subject to the limita-
tion that the amount paid must not exceed the limit imposed by s. 62.

ss. 66, 67, Any evasion of or attempt to evade the provisions of the Act, either
68. by a society or the person seeking to obtain payment, is an offence,
 s. 84 (f) (g), for which the penalty is a fine of not more than £5 : s. 89.

*Payments
on death
of children.*

*Saving as
to insur-
able
interests,
&c.*

67. Nothing in this Act respecting payments on the death of children shall apply to insurances on the lives of children of any age, where the person insuring has an interest in the life of the person insured.

A promise to the mother of a child to take care of and help to maintain it, there being no obligation to do so, has been held to give the promisor an insurable interest in the child's life: *Barnes v. The London, Edinburgh, and Glasgow Life Insurance Co.*, 1892, 1 Q. B. 864; but a father has not an insurable interest in the life of a child unless he have a pecuniary interest therein, so as to render valid, under 14 Geo. 3, c. 48, a policy effected in his own name on the child's life, he being under an obligation to maintain the child: *Halford v. Kymer*, 10 B. & C. 724.

s. 68.

Disputes.

Disputes.

*Decision of
disputes.*

68.—(1.) Every dispute between—

(a) a member or person claiming through a member or under the rules of a registered society or branch, and the society or branch or an officer thereof; or

(b) any person aggrieved who has for not more than six months ceased to be a member of a registered society or branch, or any person claiming through such person aggrieved, and the society or branch, or an officer thereof; or

(c) any registered branch of any society or branch and the society or branch of which it is a branch; or

(d) an officer of any such registered branch and the society or branch of which that registered branch is a branch; or

(e) any two or more registered branches of any society or branch, or any officers thereof respectively,

shall be decided in manner directed by the rules of the society or branch, and the decision so given shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court.

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(2.) The parties to a dispute in a registered society or branch may, by consent (unless the rules of the society or branch expressly forbid it), refer the dispute to the chief registrar, or in Scotland or Ireland to the assistant registrar.

(3.) The chief or other registrar to whom a dispute is referred shall, with the consent of the Treasury, either by himself or by any other registrar, hear and determine the dispute, and shall have power to order the expenses of determining the dispute to be paid either out of the funds of the society or branch, or by such parties to the dispute as he may think fit, and his determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society or branch.

(4.) The chief or other registrar to whom a dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question.

(5.) Where the rules of a registered society or branch direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction, or, if the parties thereto consent, by the county court.

(6.) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society or branch for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, and the court to which application is so made may hear and determine the matter in dispute; but in the case of a society with branches the said forty days shall not begin to run until application has been made in succession to all the bodies entitled to determine the dispute under the rules of the society or branch, so however that no rules shall require a greater delay than three months between each successive determination.

s. 68.

Disputes.

52 & 53

Vict. c. 49.

(7.) Notwithstanding anything contained in the Arbitration Act, 1889, or in any other Act, the court and the chief or other registrar or any arbitrator or umpire to whom a dispute is referred under the rules of a registered society or branch shall not be compelled to state a special case on any question of law arising in the case, but the court, or chief or other registrar, may, at the request of either party, state a case for the opinion in England or Ireland of the Supreme Court, and in Scotland of either division of the Inner House of the Court of Session, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, and the discovery shall be made on behalf of the society or branch by such officer thereof as the court or registrar may determine.

In the case of "collecting societies," to which the Collecting Societies and Industrial Assurance Companies Act, 1896 (59 & 60 Vict. c. 26), applies, a further jurisdiction is conferred on the county court and courts of summary jurisdiction by s. 7 of that Act.

Extent of
power conferred by
section.

This section confers, in the case of registered societies, a cheap and expeditious means of settling disputes, and, by making the decisions under it conclusive and binding without appeal, is intended to prevent the funds of societies from being wasted in litigation. Unregistered societies cannot avail themselves of the provisions of this section: and, unless they come within the classes of societies subject to the C.S.A., they can only avail themselves of the ordinary legal methods and remedies, except also where the dispute is between an unregistered society and any person by reason of his enrolment or service in the militia or as a naval coast volunteer, royal naval volunteer, naval artillery volunteer, or in any corps of yeomanry or volunteers: s. 43.

Summary
of section.

The section, though somewhat complicated, appears to be logical and consistent. The effect is as follows:—Where the rules of a society have provided a mode for the settlement of disputes between the society and its members, that mode is *primâ facie* to be binding on all parties. Under certain circumstances and within certain limits this mode of proceeding may be varied. First, the parties may by consent refer the dispute either to the registrar of friendly societies or, in cases where the rules themselves prescribe a reference to justices, to the county court. Secondly, where there is no

provision in the rules for settling disputes, or no decision is made within the time limited by statute, and where, but for this Act, the parties would have to go to the High Court, they may apply to the county court or to a court of summary jurisdiction.

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Disputes.

The disputes within the section must be between the society and a person in his capacity as a member, or claiming through a member as such. *E.g.* disputes as to the propriety of the mode of convening and the manner and place of holding special general meetings for the purpose of altering and amending the rules: *Hoey v. M'Farlane*, 4 C. B. N.S. 718; as to the construction of rules: *Trott v. Hughes*, 16 L. T. 260; as to the distribution of a fund in the hands of the trustees: *Grinham v. Card*, 7 Ex. 833; or claims for moneys payable on death: *R. v. Justices of Dublin*, 28 L. R. Ir. 516. Where a person had by means of forgery obtained payment of moneys deposited in a savings bank, the question of the liability of the bank to the depositor for the moneys so paid was held not within the jurisdiction of the court, but one to be decided by a reference as provided for by the Trustee Savings Banks Act, 1863 (26 & 27 Vict. c. 87), s. 48: *Melrose v. Adam*, 34 Sc. L. R. 346.

Disputes within the section.

But where the matter in dispute is not one between the society and a person in his capacity as member, as for instance where the relation of mortgagor and mortgagee exists between them, the ordinary legal remedies are applicable: *R. v. Trafford*, 4 E. & B. 122; *Morrison v. Glover*, 4 Ex. 430; *Fleming v. Self*, Kay 518; 3 D. M. & G. 997; *Mulkern v. Lord*, 4 A. C. 182. The cases of *Wright v. Monarch Investment Building Society*, 5 C. D. 726; *Hack v. London Provident Building Society*, 23 C. D. 103; and *Municipal Permanent Building Society v. Kent*, 9 A. C. 260, decided under the special words of the Building Societies Act, 1874, were contrary to this principle, although Lord Selborne, in the last-mentioned case, dissented from the opinion of the majority of the House of Lords, holding that *Mulkern v. Lord* applied, and these cases must be taken to be overruled by the Building Societies Act, 1884 (47 & 48 Vict. c. 41), s. 2, which gave expression to the views of Lord Selborne.

Disputes not within the section.

An action may be maintained by the society to recover money due from a member on the covenant in a mortgage deed: *Western Suburban Building Society v. Martin*, 17 Q. B. D. 609; and a claim by a society against its officer for misappropriating and keeping in his hands moneys of the society is not a dispute within the section: *Municipal Permanent Building Society v. Richards*, 39 C. D. 372.

So, too, an action for ejectment for the benefit of a building society may be maintained, *Doe d. Morrison v. Glover*, 15 Q. B. 103; and the claim against a treasurer for moneys of the society received is not a dispute within this section: *Sinden v. Bankes*, 3 E. & E. 623.

Whether the registration of an unregistered society or branch would bring within this section a dispute which arose before registration, *quære*: see *Smith v. Pryse*, 7 E. & B. 339.

S. 68. "Person claiming through a member" includes his nominees, where the rules permit nominations: s. 106.

Disputes. "Member or person aggrieved" would seem to include trustees who, not being themselves members of the society, and not acting with the authority and sanction of the members, were in *Hull v. McFarlane*, 2 C. B. N.S. 796, held not to be "persons interested" within s. 41 of 18 & 19 Vict. c. 63, so as to enable them to institute proceedings of their own accord for the purpose of controlling proposed alterations in the rules.

Expelled members. The words of clause (1) (b), "any person aggrieved who . . . aggrieved," which were added by the F.S.A., 1895, have not had the effect of bringing within the Act disputes as to the title of a person to be a member of the society: *Palliser v. Dale*, 1897, 1 Q. B. 257. It was formerly held that disputes as to the reinstatement of members expelled from a society were not within the Act, and consequently the person aggrieved was right in applying to the High Court: *Prentice v. London*, L. R. 10 C. P. 679; *Willis v. Wells*, 1892, 2 Q. B. 225. So, too, if a society dispute the right of an administrator of a deceased member to represent the member the jurisdiction of the court is not ousted: *Symington v. Galashiels Co-operative Store Co., Ltd.*, 21 Rett. 371.

In a Scotch case, a member of a society who had been expelled claimed to have his case adjudicated according to the rules, which was refused. He brought an action for damages, and it was held that, reinstatement not being sufficient, he was entitled to damages out of the funds of the society for the loss of benefits since his expulsion owing to the violation of the rules by the society's officers: *Blue v. Pollock*, 4 Macph. 1042.

Exclusiveness of jurisdiction. The words "shall be decided" are imperative and oust all other jurisdiction, except such as is conferred by the consent of the parties, or arises when no decision is made within the time limited by statute: *Crisp v. Bunbury*, 8 Bing. 394; *Ex p. Payne*, 5 D. & L. 679; *Reeves v. White*, 17 Q. B. 995; *Grinham v. Card*, 7 Ex. 833; *Denton v. Marshall*, 32 L. J. Ex. 89, 91; *Stone v. Liverpool Marine Society*, 63 L. J. Q. B. 471; *Norton v. Counties Conservative Permanent Benefit Building Society*, 1895, 1 Q. B. 246; unless the society is one coming within the provisions of the C.S.A.: *Bushell v. Smith* (*Times*, June 12, 1891); but the onus of showing that a complaining party has lost the ordinary right to maintain an action lies on him who denies such right: per Lord Hagan, *Mulkern v. Lord*, 4 A. C. 182.

Arbitrators may be appointed by the society after the dispute has arisen, and if the society neglects to appoint arbitrators in accordance with the rules, the proper course for the member is to apply for a mandamus to compel them to do so: *Norton v. Counties Conservative Permanent Benefit Building Society*, 1895, 1 Q. B. 246; cf. also *Ex p. Young*, 40 S. J. 338.

Decision conclusive. The decision will be binding in spite of slight irregularities or even want of jurisdiction, if the parties have acquiesced either expressly or

impliedly in the irregularities or jurisdiction. Where the rules as to arbitration had been substantially complied with, and the dissentient member was also bound by a written agreement, the award of the arbitrators was held conclusive: *R. v. Evans*, 3 E. & B. 363. Although the rules of a society did not provide for disputes being referred to justices, when a member proceeded before justices the secretary of the society did not call the attention of the justice to his want of jurisdiction, and an order was made. It was held that the society, having acquiesced in the jurisdiction, was not entitled to *certiorari* to quash the order: *R. v. West London Philanthropic Burial Society*, 33 J. P. 614.

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The decision of a dispute under this section is final, and several cases illustrate this. It was held that no action lay against a magistrate for enforcing a previous order of a magistrate which had been made without jurisdiction, it appearing on the face of the order that there had been no defence and that the magistrate's jurisdiction had not been questioned at the time: *Pike v. Carter*, 10 Moore, C. P. 376. There is no appeal from the decision of the justices, in spite of the general words of 20 & 21 Vict. c. 43, s. 2: *Callaghan v. Dolwin*, L. R. 4 C. P. 288.

Where the rules of a building society provided that disputes should be referred to arbitration, but there was no provision as to the manner in which arbitrators should be elected, it was held by the Court of Session that the Building Societies Act, 1874 (37 & 38 Vict. c. 42), s. 35 [which is to the same effect as s. 68 (6)] did not apply, and that the sheriff had jurisdiction at common law, and accordingly his decision was subject to appeal: *Galashiels Provident Building Society v. Newlands*, 30 Sc. L. R. 730.

The county court has jurisdiction to enforce the award, but such jurisdiction is not exclusive. Where an award has been made in accordance with the rules, the county court is the tribunal to decide in the first instance in an action to enforce the award whether, on the facts, the matter is such as could be decided in manner provided by the rules: *Skipton Industrial Co-operative Society v. Prince*, 33 L. J. Q. B. 323; and the county court enforced an award made on a claim for sick-pay although it had been heard in the absence of the claimant when the day was fixed by him: *Critchlow v. Bellis*, 28 L. J. 437. The High Court has no jurisdiction to hear an application to set the award aside: *Re An Arbitration between Gollings and Tradesmen's Friendly Society, Peterborough*, 64 L. T. N.S. 775; or to alter it, unless there is an error on the face of it, or it is shown to have been corruptly obtained: *Armitage v. Walker*, 2 K. & J. 211.

If the rules provide for a reference of disputes to arbitration, it would appear that the provisions of the Arbitration Act, 1889 (52 & 53 Vict. c. 49), apply to such arbitration by virtue of s. 24 of that Act, except in so far as the Arbitration Act is inconsistent with this Act, or with the rules or procedure authorised or recognised by this

Enforce-
ment.Arbitra-
tion.

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Act. The rules of the society constitute the contract between its members (see p. 33), and their assent to the rules, either expressedly or impliedly, would without doubt amount to a submission to arbitration within the meaning of ss. 24 and 27 of the Arbitration Act: cf. *Baker v. Yorkshire Fire and Life Assurance Co.*, 1892, 1 Q. B. 144.

In an arbitration it is competent for the arbitrators to decline to hear counsel: *Re Macqueen*, 9 C. B. N.S. 793.

The arbitrators should give notice of their intention to proceed. Where the rules of a friendly society stated that all notices should be deemed duly served by putting the same into the post directed to the member according to the last entry on the register, it was held that this rule applied only to ordinary notices, and not to a notice by the arbitrators as to a matter in difference: *Hilton v. Hill*, 9 L. T. N.S. 383.

Where a dispute is referred to the decision of more than one arbitrator, all must concur in the making of the award, otherwise it is invalid: *United Kingdom Mutual Steamship Assurance Association v. Houston*, 1896, 1 Q. B. 567.

Reference to registrar.

Every reference of a dispute to the chief or assistant registrar shall be written on foolscap paper in duplicate in Form M (p. 219): T. R. 26. Such registrar, upon receipt of the reference, shall transmit one copy of it to the Treasury for their consent: T. R. 27. The determination and order of the chief or assistant registrar shall be in Form S (p. 223), or as near thereto as the circumstances of the case may in his judgment allow: T. R. 32. The fee for the determination of a registrar on a dispute is £1 (p. 130).

The reference of the dispute to the registrars in Form M is clearly a submission to arbitration within the meaning of the Arbitration Act, 1889, s. 27, and consequently that Act applies to such reference, except in so far as it is inconsistent with this Act or the rules or procedure authorised or recognised by this Act.

Every notice of hearing by the chief or assistant registrar, and every requisition for the attendance of parties and witnesses, and the production of books and documents, shall be in Form N (p. 220): T. R. 28. Where it is necessary to enforce the attendance of a particular witness or the production of a particular document, notice shall be in Form O (p. 220): T. R. 29.

Refusing to attend or to produce any documents or to give evidence before a registrar are offences under the Act: s. 84 (e).

Court of summary jurisdiction.

Justices have no jurisdiction in disputes except by the provisions of the statute: consequently they have no power to decide disputes in an unregistered society, although the rules should direct the dispute to be referred to them, unless the society is one falling within the definition contained in s. 1 of the C.S.A., or the dispute falls within s. 43.

If the rules do not contain a direction referring disputes to the

justices, their jurisdiction does not arise until forty days from an application to the society for a reference have elapsed without a decision being made.

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If a dispute has been determined, by a decision *primâ facie* valid according to the rules, the justices have no jurisdiction until the decision has been set aside: *Bache v. Billingham*, 1894, 1 Q. B. 107; or unless the award is shown to be a nullity: *Ex p. Long*, 3 W. R. 18; or unless it is clear that there was a condition precedent to the making of the award which has not been observed: *R. v Grant*, 14 Q. B. 43.

The reference to the court of summary jurisdiction must be made within six months from the time that their jurisdiction arises: 11 & 12 Vict. c. 43, s. 11, *Harpin v. Sykes*, 48 J. P. 148.

The decision of justices with regard to a dispute determined according to the rules under this section may be enforced in the county court.

The reference of disputes to the county court under subs. (6) is permissive only, and does not exclude the jurisdiction of the High Court, and therefore there is in a proper case jurisdiction to remove to the High Court by *certiorari* proceedings in an action commenced against a society by one of its members: *Re Royal Liver Friendly Society*, 35 C. D. 332. The same question was reargued before Chitty, J., who held that the Act conferred a jurisdiction on the county court, but did not take away that of the High Court: *Tiplady v. Royal Liver Friendly Society*, 3 T. L. R. 697.

Where a member of a branch of a friendly society, who has been excluded therefrom by the branch committee, appealed under the rules of the branch to the general committee of the society who failed to decide the dispute within forty days after application, it was held that the appeal was a "reference" under the subsection, and that a county court had jurisdiction: *R. v. Catley*, 19 Q. B. D. 491.

Where a society did not hold a meeting to decide on a claim within forty days, as provided by the rules, it was held that they were in default and the claimant was right in applying to the county court: *R. v. Judge of Shropshire County Court*, 3 T. L. R. 526.

The application to the county court contemplated by subs. (6) must be in the form of an action commenced in the county court, and is not a reference to the county court judge sitting as an arbitrator, and therefore an appeal lies from his decision in the ordinary way of appeal by motion to the High Court: *Wilkinson v. Jagger*, 20 Q. B. D. 423. But it is probable that the rule as to appeals from the county court by way of motion (R. S. C. Or. LIX. r. 10) does not affect the case where, under special circumstances, an appeal by special case is given by statute: *Wilkinson v. Jagger*, 20 Q. B. D. 423.

Every dispute referred to the county court shall be so referred by Procedure
plaint and summons in the ordinary way (C. C. R. Or. XLI. r. 1): in county
the claiming or aggrieved member (or other person) being plaintiff, court.

SS. 68, 69. and the society, either in its own name, or in the name of such persons as are authorised to be sued on behalf of the society, being defendants (r. 2): particulars of demand (with the necessary number of copies) must be filed in all cases, and must state concisely the nature of the dispute referred and the relief or order which the plaintiff claims (r. 3). The action should be commenced in the court within the district of which the defendant resides or carries on business: 51 & 52 Vict. c. 43, s. 74.

Discovery and inspection of documents. The provisions of this subsection as to discovery and inspection are wanted in the cases provided for by subss. (2) and (5), though they are unnecessary for that of subs. (6), as the county court has power in the exercise of its ordinary jurisdiction to make such orders. In a reference to the registrar, if an order for discovery is necessary it shall be in Form P (p. 221): T. R. 30. In Scotland, if a warrant for recovery of documents and examination of havers is necessary, it shall be in Form Q (p. 222) or R (p. 222): T. R. 31. As to discovery generally in the High Court, see R. S. C. Or. XXXI., and in the county court, C. C. R. Or. XVI.

Subs. (7) nullifies the effect of the decision of the House of Lords in *Tabernacle Permanent Building Society v. Knight*, 1892, A. C. 298, that the power under section 19 of the Arbitration Act, 1889 (52 & 53 Vict. c. 49), of compelling an arbitrator to state a case for the opinion of the court, applied to arbitrations under the rules of friendly societies.

Appeal. In spite of the provisions of subs. (7), it would seem that an appeal from the county court would lie in the ordinary way by motion: *Wilkinson v. Jagger*, 20 Q. B. D. 423.

The method of appeal in Scotland provided by subs. (7) is competent in the case of small-debt decrees in the Sheriff Court dealing with disputes, notwithstanding the general exclusion of appeals in small-debt actions, except in the manner provided by s. 31 of the Small Debt (Scotland) Act, 1837 (7 Will. 4 & 1 Vict. c. 41), and although the summons does not refer to the Act: *Linton v. City of Glasgow Friendly Society*, 33 Sc. L. R. 42.

S. 69. *Change of Name, Amalgamation, and Conversion of Societies.*

Change of name, amalgamation, and conversion of societies.

Power to change name.

69.—(1.) A registered society may, by special resolution, with the approval in writing of the chief registrar, or in the case of societies registered and doing business exclusively in Scotland or Ireland the assistant registrar for Scotland or Ireland respectively, change its name, and shall not change its name in any other manner.

(2.) Any such change of name shall not affect any right

or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the society, or any other officer who may sue or be sued on behalf of the society, notwithstanding its new name.

Change of name, amalgamation, and conversion of societies.

Every application for approval of change of name must be made in duplicate in Form T (p. 224), accompanied by a statutory declaration in Form U (p. 225). If approved, the word "approved" shall be written at the foot or end of each such copy, and the same shall be signed by the chief registrar, or assistant registrar for Scotland or Ireland, as the case may require: T. R. 33.

Procedure.

The change of name is not complete, and the society continues to exist under its original name, until the special resolution has been registered: s. 75.

A society that changes its name without obtaining the approval of the registrar commits an offence under the Act: s. 84.

The approval of the registrar to the change of name is wholly in his discretion (cf. s. 10), and the reason for desiring the change should always be stated in the application for approval, which will, in general, be withheld if the reason is insufficient. Sufficient reasons are, for instance: secession from an order, disconnection of the society from a particular religious body, the throwing open of a society connected with a particular trade to other trades or the public, the insertion in the name of a word indicating some fresh benefit to be provided, or the adoption of a dividing rule. But the dropping of a distinctive name answering to the society's real character for a more general one will not be approved as being likely to deceive as to the real character of the society: s. 10.

Discretion of registrar.

No provision is made in the Act as to the changing of the name of a branch, this matter would be provided for and regulated by the rules of the society of which the branch forms part. Notice of any change of name of a branch should be given to the registrar, who will make the necessary alteration in the register: in general a written notice from the secretary of the society is sufficient.

Branches.

70.—(1.) Any two or more registered societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of those societies or either of them.

Amalgamation and transfer of engagements.

(2.) A registered society may, by special resolution, transfer its engagements to any other registered society which may undertake to fulfil the engagements of that society.

S. 70. A registered society cannot amalgamate with or transfer its engagements to an unregistered society or a branch whether registered or unregistered.

Change of name, amalgamation, and conversion of societies.

Every application to register a special resolution for the amalgamation of societies must be made by each of the societies in duplicate in Form V (p. 225), and must be sent to the central office accompanied by statutory declarations from officers of each society in Form U (p. 225). No acknowledgment of registry shall be given to either society until special resolutions in the like terms have been submitted for registry by the other or others: T. R. 34. Every application to register a special resolution for the transfer of the engagements of a society to another must be made in duplicate in Form W (p. 227), and must be sent to the central office accompanied by statutory declarations in Forms U (p. 225) and X (p. 228): T. R. 35. The chief or other registrar may require and receive as an alternative to declarations U and X information in Forms UI and XI (pp. 246, 247): T. R. 75.

In the case of a friendly society proper, there is the restriction imposed on the special resolution by subs. (3). These regulations do not apply to the amalgamation of juvenile and adult societies, for which a simpler procedure is provided by subs. (5).

Branches. There is no provision in the Act for a branch to amalgamate with or transfer its engagements to another branch; these matters must be regulated by the rules of the society of which the branch forms part. Notice of such amalgamation or transfer of engagements should be at once given to the registrar, as on the change of name of a branch: see p. 95.

Vesting of property upon amalgamation. It would seem that upon amalgamation, the property of the societies amalgamating would vest in the trustees of the amalgamated society without conveyance or transfer: see s. 49 (1); but stocks and securities in the public funds of Great Britain and Ireland would require to be transferred into the names of the trustees of the amalgamated society.

(3.) A special resolution by a registered friendly society for an amalgamation or transfer of engagements under this Act shall not be valid without—

(a) the assent thereto of five-sixths in value of the members, given either at the meetings at which the resolution is, according to the provisions of this Act, passed and confirmed, or at one of them, or, if the members were not present thereat, in writing; and

(b) the written consent of every person receiving or entitled to any relief, annuity, or other benefit from

the funds of the society, unless the claim of that person is first duly satisfied, or adequate provision is made for satisfying that claim. S. 70.

“Five-sixths in value,” *i.e.* one vote for each member with an additional vote for every five years of membership, but to no one member more than five votes altogether: subs. (6). *Change of name, amalgamation, and conversion of societies.*

(4.) Provided that on application of the trustees or committee of a registered friendly society desiring to amalgamate or transfer its engagements, and upon notice of that application being published in the Gazette, the chief registrar, after hearing the trustees or committee and any other persons whom he considers entitled to be heard upon the application, may, with the consent of the Treasury, order that any of the assents, consents, and conditions required by this Act, or by any regulations made under this Act, be dispensed with, and may confirm the amalgamation or transfer. Value of members.

Notice of an application that any of the consents and conditions prescribed for an amalgamation or transfer of engagements may be dispensed with, shall be advertised in the Gazette at least one month before the application is made to the chief registrar in that behalf. Such notice shall be in Form Y (p. 229): T. R. 36. The application shall be in Form Z (p. 229), and shall be sent to the chief registrar in duplicate with a copy of the Gazette in which the advertisement of the same is published: T. R. 37. If, after hearing the trustees or committee of management and other persons whom he considers entitled to be heard, and to whom such notice shall be given as the chief registrar directs, the chief registrar thinks fit to entertain the application, he shall transmit a copy of the same to the Treasury for their consent thereto: T. R. 38. If on the application more than one hearing or adjournment become necessary, the same fee shall be payable in respect of the same as in the case of a dispute: T. R. 41. Where any consents or conditions are dispensed with the Forms may be modified by the authority of the chief registrar to suit the circumstances of the case: T. R. 39. In registering a special resolution for amalgamation or transfer of engagements where any prescribed consents or conditions have been dispensed with, the words “And confirmed by the chief registrar” shall be added after the word “registered”: T. R. 40. Dispensing with consents and conditions.

The exercise of this power by the chief registrar is entirely at his discretion.

The fee payable for an order dispensing with consents and conditions is £1: p. 130.

s. 70.

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name,
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of societies.*

(5.) A registered society consisting wholly of members under twenty-one years of age, and a registered society or branch or branches of a society having members above twenty-one years of age, may, by resolutions registered in the manner required for the registration of an amendment of rules, become amalgamated together as one society or branch, or provide for distributing among several branches the members of a society consisting wholly of members under twenty-one years of age, and the other provisions of this section shall not apply to that amalgamation.

*Amalga-
mation of
juvenile
and adult
societies.*

This provision was added by the F.S.A., 1895, and was rendered necessary by the fresh enactment as to membership of minors: s. 36.

For the manner required, see s. 13. The resolutions required for an amalgamation under this subsection need not be special resolutions, but merely ordinary resolutions passed at a general meeting of the amalgamating societies.

(6.) The value of members shall be ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in the whole.

(7.) If any member of a friendly society which has amalgamated or transferred its engagements, or if any person claiming any relief, annuity, or other benefit, from the funds thereof, is dissatisfied with the provision made for satisfying his claim, that member or person may apply to the county court of the district within which the chief or any other place of business of the society is situate for relief or other order, and that court shall have the same powers in the matter as in regard to the settlement of disputes under this Act.

*Juris-
diction of
county
court.*

For the powers of the county court, see s. 68. In this case, however, the county court has no jurisdiction to interfere with the action of the society until the special resolution for amalgamation or transfer of engagements has been passed and confirmed: *Jones v. Slee*, 32 C. D. 585.

Officers or persons aiding or abetting in the amalgamation or transfer of engagements of a friendly society otherwise than as in the Act provided are liable to punishment: s. 90.

71.—(1.) A registered society may, by special resolution, determine to convert itself into a company under the Companies Acts, 1862 to 1890, or to amalgamate with or transfer its engagements to any such company.

s. 71.

*Change of
name,
amalgama-
tion, and
conversion
of societies.*

Every application to register a special resolution for converting a society into a company must be in triplicate in Form AA (p. 230), and must be sent to the central office accompanied by a statutory declaration in Form U (p. 225): T. R. 42. An application for registry of a special resolution for amalgamation with a company or for transfer of engagements to a company, shall be sent to the central office in duplicate in Form-V (p. 225) or W (p. 227), as the case may be, with the necessary modifications to suit the facts, and shall be accompanied by statutory declarations in Forms U (p. 225) and AC (p. 231): T. R. 43. The statutory declaration in Form U is required by Treasury regulation only, and the chief or other registrar may require and receive as an alternative to such declaration information in the Form UI (p. 246): T. R. 75.

*Conver-
sion of
society
into com-
pany.
Procedure.*

The name of the company need not necessarily be the name of the former society.

There does not appear to be any power for a registered society to amalgamate or transfer its engagements to any company incorporated otherwise than under the Companies Acts, 1862 to 1890.

The provisions of s. 70 (3), (4), (6), and (7) appear to apply to an amalgamation or transfer of engagements under this section.

(2.) If a special resolution for converting a society into a company contains the particulars required by the Companies Acts, 1862 to 1890, to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of that resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Acts.

These particulars, required to be contained in the memorandum of association of a company, are specified in the Companies Act, 1862 (25 & 26 Vict. c. 89), ss. 8, 9, and 10.

*Memoran-
dum of
associa-
tion.*

The sealed copy of the resolution has the same effect as a memorandum of association duly signed and attested (see 25 & 26 Vict. c. 89, s. 11), and upon registration of the sealed copy with the registrar of joint-stock companies the conversion of the society into a company is complete, and the society thereupon ceases to be subject to the provisions of this Act, and becomes subject to the provisions of the Companies Acts, 1862 to 1890.

SS. 71, 72, 73. Having regard to the provisions of the Companies Act, 1862 (25 & 26 Vict. c. 89), s. 20, as to name, it would be advisable, before

*Change of
name,
amalgama-
tion, and
conversion
of societies.*

registering the special resolution, to ascertain that the name of the new company will be accepted by the registrar of joint-stock companies.

(3.) If a society is registered as, or amalgamates with, or transfers all its engagements to, a company, the registry of the society under this Act shall thereupon become void, and shall be cancelled by the chief registrar or by the assistant registrar for Scotland or Ireland under his direction; but the registration of a society as a company shall not affect any right or claim subsisting against that society, or any penalty incurred by that society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to any such penalty, shall have priority, as against the property of the company, over all other rights or claims against or liabilities of the company.

*Saving for
right of
creditors.*

72. An amalgamation or transfer of engagements in pursuance of this Act shall not prejudice any right of a creditor of either or any society party thereto.

*Conversion
of society
into
branch.*

73.—(1.) A registered society may, by a resolution passed by a majority of the members or delegates present and entitled to vote at any general meeting, of which notice specifying the intention to propose any such resolution has been duly given according to the rules, determine to become a branch of any other registered society, and also, if thought fit, of any registered branch thereof.

(2.) If the rules of the society do not comply with all the provisions of this Act and of the Treasury regulations in respect of the registry of branches, the meeting at which any such resolution is passed may amend the rules so as to bring the rules into compliance with this Act and with the Treasury regulations.

(3.) A copy of the rules of the society marked to show the amendments, if any, made at the meeting, and two

copies of the resolution and of such amendment of rules, if any, as aforesaid, each signed by the chairman of the meeting and by the secretary of the society so determining to become a branch of another society, and countersigned by the secretary of that other society, shall be sent to the registrar.

S. 73.

*Change of
name,
amalgama-
tion, and
conversion
of societies.*

(4.) If the registrar finds that the rules, with or without such amendment as aforesaid, comply with the provisions of this Act and of the Treasury regulations, he shall cancel the registry of the first-mentioned society and register it as a branch of that other society, and also, if so specified in the resolution before mentioned, of any branch of that other society, without further request or notice, and shall register such amendment of rules without further application or evidence, and until such registry as aforesaid the resolution shall not take effect.

(5.) An advertisement of any cancelling of registry under this section shall not be requisite.

(6.) The rules of a society which becomes a branch under this section shall, so far as they are not contrary to any express provision of this Act or of the Treasury regulations, and subject to any such amendment thereof as aforesaid, continue in force as the rules of the branch until amended.

(7.) This section shall apply only to societies registered before the first day of January one thousand eight hundred and seventy-six.

This section is for the purpose of providing a simple procedure for branches, which, prior to 1876, had to be registered as separate societies, to convert themselves into registered branches under this Act.

A majority of the members is now sufficient to effect a conversion, formerly a three-fourths majority was required. It is to be noticed that the resolution required by this section is not a special resolution.

No registered society can be registered as a branch unless and until its registry as a society is cancelled: T. R. 45.

In proceedings taken for cancelling registry under this section, no application or declaration is required for any amendment of rules which may become necessary in connexion therewith; no request or advertisement is required; no notice of the establishment of the branch (Form Ab, see s. 18) need be given.

SS. 73, 74. Upon conversion under this section, in view of future amendments, a complete amendment of rules is to be preferred.

Change of name, amalgamation, and conversion of societies. It is the practice of the registrar to decline to register conversions into branches until the provisions of the Act in respect of valuation have been complied with, in default of which compliance suspension or cancellation of registry takes place in addition: R. C. R. (1891) 10.

Upon conversion into a branch a society may change its name, or two societies may be amalgamated into one branch.

If the society was not registered before 1st January, 1876, if it seeks to become a branch of another society, it must procure cancellation of registry under s. 77 (1), and become registered as a branch under s. 18.

Meaning
of special
resolution.

74. For the purposes of this Act a special resolution shall mean a resolution which is—

(a) passed by a majority of not less than three-fourths of such members of a registered society entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies), at any general meeting of which notice specifying the intention to propose that resolution has been duly given according to the rules; and

(b) confirmed by a majority of such members entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies), at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed.

At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be conclusive evidence of the fact.

Special resolutions are neither required nor recognised by the Act for any other purposes than those specified in it: ss. 69–71; they are not to be confounded with resolutions passed by special meetings of the society in pursuance only of the rules; they cannot be passed by branches. In the case of a friendly society proper, further requisites for passing a special resolution for amalgamation or transfer of engagements are imposed by s. 70 (3).

This subsection is substantially the same as s. 51 of the Companies Act, 1862 (25 & 26 Vict. c. 89), and it is apprehended that the cases deciding the construction of that statute may be usefully considered in construing this Act.

Voting at
meeting.

In the absence of any provision to the contrary in the rules of the

society, the voting at the meeting should in the first instance be by show of hands: *Re Horbury Bridge Coal, Iron, & Waggon Co.*, 11 C. D. 109; on a show of hands proxies cannot be counted, but a poll must be demanded for the purpose: *Re Caloric Engine & Siren Fog Signals Co.*, 52 L. T. N.S. 846; *Ernest v. Loma Gold Mines, Ltd.*, 1896, 2 Ch. 572 (in the latter case the court disapproved of the decision in *Re Bidwell Brothers*, 1893, 1 Ch. 603).

S. 74.

Change of
name,
amalgama-
tion, and
conversion
of societies.

Proxies given for the purpose of this section do not require to be stamped: s. 33.

No modification of the resolution can be made at the confirmatory meeting, the resolution passed at the first meeting must be either confirmed or rejected.

The "fourteen days" here mean fourteen clear days exclusive of the respective days of meeting; if the interval is less the special resolution will not be valid: *Re Railway Sleepers Supply Co.*, 29 C. D. 204; but such a statutory defect in the resolution only affects the position of the society and its members *inter se*, and where the irregularity has been acquiesced in does not concern the creditors of the society or third parties: *Re Miller's Dale & Ashwood Dale Lime Co.*, 31 C. D. 211. "Month" means calendar month: Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 3; so that if a resolution is passed at a meeting held on the 1st of a month, the meeting confirming it cannot be held before the 16th of the same month, or after the 1st of the following month, and a confirmatory resolution passed at an adjourned meeting after the month would, it seems, be irregular and ineffective.

Interval
between
meetings.

The notices must strictly comply with the provisions of the Act, and must state definitely the nature and object of the special resolutions to be proposed, whether for the purpose of changing of name, amalgamation, or conversion. A conditional notice is not a proper notice; thus, where a notice of a first meeting to pass certain special resolutions stated that if they should be duly passed they would be submitted for confirmation at a second meeting on a day named, it was held that the notice of the second meeting was conditional, and therefore bad so far as it was concerned: *Alexander v. Simpson*, 43 C. D. 139. It has been suggested that, if it were desired to convene two meetings by one and the same notice, the difficulty raised by this case can be met by adding to the notice of the first meeting: "And notice is hereby also given that a subsequent general meeting of the society will be held on —, at —, for the purpose of receiving a report of the above-mentioned meeting and of confirming (if thought fit) as a special resolution the subjoined resolution." But if the first meeting is adjourned so that there would not be fourteen clear days between the two meetings a fresh notice may be requisite. If the rules of the society provided that notice of the two meetings might be given in one, and that of the second might be contingent on the result of the first, the difficulty raised by *Alexander v. Simpson* would be met. See Palmer, Company Precedents, 6th Ed. p. 571.

Notice of
meetings.

SS. 74, 75. The declaration by the chairman is "conclusive evidence" without any other evidence: *Re Brynmawr Coal & Iron Co.*, 1877, W. N. 45; but not so as to preclude the validity of the resolution being disputed by legal proceedings on the ground, for instance, that it has not been carried by the statutory majority: *Young v. South African and Australian Exploration and Development Syndicate*, 1896, 2 Ch. 268.

Change of
name,
amalgama-
tion, and
conversion
of societies.

Declara-
tion of
chairman.

Duties of
chairman.

It is the duty of the chairman to preserve order, conduct proceedings regularly, and take care that the sense of the meeting is properly ascertained with regard to any question before it; but he has no power to stop or adjourn a meeting at his own will; and if he purports to do so, it is competent for the meeting to resolve to go on with the business for which it has been convened, and to appoint another chairman for that object: *National Dwellings Society v. Sykes*, 1894, 3 Ch. 159; although the rules empower the chairman with consent of the members present at a meeting to adjourn the same, the chairman is not bound to adjourn a meeting, although a majority of those present desire an adjournment: *Salisbury Gold Mining Co. v. Hathorn*, 1897, A. C. 268; the chairman has *primâ facie* authority to decide all incidental questions which arise at such meeting, and necessarily require decision at the time, and the entry by him in the minute book of the result of a poll, or his decision of all such questions, although not conclusive, is *primâ facie* evidence of that result, or of the correctness of that decision, and the *onus* of displacing that evidence is thrown on those who impeach the entry: *Re Indian Zoedone Co.*, 26 C. D. 70.

Registra-
tion of
special
resolu-
tions.

75. A copy of every special resolution for any of the purposes mentioned in this Act, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the central office and registered there, and until that copy is so registered the special resolution shall not take effect.

Procedure. A special resolution shall be registered by writing at the foot or end of each copy of the same the word "registered," and by affixing to the same the seal or stamp of the central office: T. R. 46. Where the special resolution is for conversion into, amalgamation with or transfer of all the engagements of a society to a company, the following words shall be written at the foot: "The registry of the — Society is hereby cancelled (or directed to be cancelled). —, Chief Registrar": T. R. 44.

Where a special resolution is passed by a society registered and doing business exclusively in Scotland or Ireland, it (*i.e.* the application to register such resolution) shall be sent to the central office through the assistant registrar for Scotland or Ireland, as the case may be; where a special resolution is registered, passed by a society

which is registered or does business in Scotland or Ireland, the central office shall forthwith apprise the assistant registrar for Scotland or Ireland, as the case may be, of the same being so registered, and the chief registrar shall, where necessary, give directions for cancelling the registry of such society: T. R. 47.

The fee for registration of a special resolution is 10s., which, in the case of change of name, includes the approval of the name: p. 130.

A society which fails to send to the central office a copy of a special resolution for registry commits an offence under the Act: s. 84.

SS. 75, 76.

Change of name, amalgamation, and conversion of societies.

*Inspection: Cancelling and Suspension of Registry:
 Dissolution.*

S. 76.

76.—(1.) Upon the application—

Inspection: cancelling and suspension of registry: dissolution.

Inspectors and special meetings.

(a) of one-fifth of the whole number of members of a registered society; or

(b) in the case of a registered society of one thousand members and not exceeding ten thousand, of one hundred members; or

(c) in the case of a registered society of more than ten thousand members, of five hundred members,

the chief registrar, or in cases of societies registered and doing business exclusively in Scotland or in Ireland the assistant registrars for Scotland and Ireland respectively, but with the consent of the Treasury in every case, may—

(a) appoint an inspector or inspectors to examine into and report on the affairs of the society; or

(b) call a special meeting of the society.

(2.) The application under this section shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring an inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar directs.

(3.) The chief or assistant registrar may, if he thinks fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling the meeting.

S. 76.

Inspection: (4.) All expenses of and incidental to any such inspection or meeting shall be defrayed by the members applying therefor or out of the funds of the society, or by the members or officers, or former members or officers, of the society in such proportions as the chief or assistant registrar directs.

(5.) An inspector appointed under this section may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly.

(6.) The chief or assistant registrar may direct at what time and place a special meeting under this section is to be held and what matters are to be discussed and determined at that meeting, and the meeting shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

(7.) This section shall not apply to a society with branches, except with the consent of the central body of that society.

The registrars have no power to interfere in the management of societies unless their interposition is invoked by a certain number of the members of the society under the power conferred by this section.

Inspection.

Every application for appointment of inspectors or for calling a special meeting of a society shall be written on foolscap paper in duplicate in Form AD (p. 231), and shall be accompanied by a statutory declaration in Form AE (p. 232), signed by three at least of the applicants: T. R. 48. The chief or assistant registrar may, immediately upon the receipt of the application, transmit one copy to the Treasury for their consent, or may, before such transmission, give notice of the application to the society, and send to the Treasury any answer the society may make: T. R. 49. The appointment of inspectors shall be in Form AF (p. 233), or as near thereto as circumstances may allow: T. R. 50.

A society which fails to produce its books or furnish information when required by an inspector commits an offence under the Act: s. 84. A document purporting to be signed by an inspector shall, in the absence of evidence to the contrary, be received in evidence without proof of the signature: s. 100.

A copy of the inspector's report to the registrar is, as a rule, sent to the society and to the applicants, but there is no obligation on the registrars to do so. **SS. 76, 77.**

The notice of a special meeting shall be in Form AG (p. 233): T. R. 51. The chairman of the special meeting shall report to the chief or assistant registrar as he may direct in Form AH (p. 234): T. R. 52. *Inspection: cancelling and suspension of registry: dissolution.*

These powers of inspection and calling general meetings are exercised primarily in the interests of a minority of the members, and the registrars are not bound to take any legal or other proceedings in consequence thereof, though they may do so. **Special meetings.**

A society is able sometimes to invoke the assistance of either of these powers in its own interests, as for instance where an inspection is desired for the purpose of examining the officers upon oath as to their acts, or where a special meeting is found to be useful in cases where, owing to the rules of the society or otherwise, its business is brought to a standstill, *e.g.* where amendments of rules could only be made at annual meetings.

As the costs can in no event be paid out of public money, but only by such persons as under subs. (4) the registrar directs, when the result of the inspection is known, a sum sufficient to cover the presumed cost of the inspection or special meeting must be lodged with the registrar, or, in the case of a special meeting, the cost must be shown to be provided for. The fee of £1 (p. 130) must be paid in advance, but this is covered by the deposit where there is one. Failure to pay such expenses when directed by the registrar is an offence under the Act: s. 84. **Costs.**

In cases where it is impossible for members to procure an inspection for the purpose of rectifying abuses in the business of a society, they still have power under the Act to inspect the books themselves, s. 40; to call the attention of the society to any matter in general meetings, to have disputes settled, s. 68; and if necessary, by consent of the central office, to prosecute offenders, s. 87.

The issuing of a circular letter to obtain sufficient support of the members of a society for the purpose of making an application under this section would not be improper, but if such letter contained inaccurate statements as to the financial condition of the society, and were issued to persons not members of the society, it would constitute a libel on the society which the Court would restrain by injunction: *Hill v. Hart-Davies*, 21 C. D. 798. **Libel on a friendly society.**

77.—(1.) The chief registrar, or, in the case of a society registered and doing business in Scotland or Ireland exclusively, the assistant registrar for Scotland or Ireland, may— **Cancelling and suspension of registry.**

(a) if he thinks fit, at the request of a society, to be evidenced in such manner as he may direct; or

s. 77.

*Inspection:
cancelling
and
suspension
of registry:
dissolu-
tion.*

(b) with the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist, by writing under his hand cancel the registry of a society.

In the case of societies registered before the 1st of January, 1876, where the cancelling of the registry is for the purpose of re-registration as a branch of another society, the procedure prescribed by s. 73 should be adopted; and in this case no request or advertisement is required.

When the registry of any society registered since the 1st of January, 1876, is cancelled with a view to its registry as a branch, notice must be given in Form Ab (p. 206), as on the establishment of a new branch: T. R. 59. As to this, see p. 39.

In the case of amalgamation with or transfer of engagements to or conversion into a company, the registration of the society becomes void, and has to be cancelled by the registrar, s. 71 (3); the provisions of this section do not therefore apply.

The cancelling of registry shall be in Form AL (p. 235): T. R. 56. No fee is payable for cancelling of registry.

There is no cancelling or suspension of registry of a branch.

*Procedure
on cancel-
ling of
registry.*

Every request to cancel registry shall be made in Form AI (p. 234), and shall name some newspaper in general circulation in the neighbourhood of the registered office of the society wherein it is desired that the cancelling of registry shall be published, and shall be accompanied by the sum requisite to defray the expense of such publication, and by the further sum of 5s. 6d. for publication of such cancelling in the Gazette: T. R. 53.

*Reasons
for can-
celling.*

The power of the registrar to cancel the registry at the request of a society is discretionary, and will not be granted to enable a society to get off the register and rid itself of its obligations, but only for some good reason, *e.g.* that it may become a branch of another society, or be registered under a different class under this Act, or be registered under some other Act.

*Procedure
on com-
pulsory
cancelling
of registry.*

Where application is made to cancel registry under the compulsory powers of the registrar, the registrar may require such application to be made in duplicate in such form, and to be supported by such statutory declaration as the chief registrar may direct, and shall transmit one copy of such application to the Treasury for their consent: T. R. 54.

*Instances
of com-
pulsory
cancelling.*

An example of the power of compulsory cancellation conferred by this section is the case mentioned by the chief registrar of a club and institute in a Welsh town. The steward of the club was convicted of

selling liquors without a license; alterations in the rules were then made, and the town clerk applied to have the registry of the club cancelled, as it existed for an illegal purpose. The registrar being of opinion that the club existed for the illegal purpose of selling liquor without a licence, after due notice, no rebutting evidence being produced, cancelled the registry with the approval of the Treasury: *Inspection: cancelling and suspension of registry: dissolution.* R. C. R. (1881) 22.

In another case, the society having failed to make an annual return, the secretary was prosecuted and fined; the return being subsequently made, it was reported by the auditors that the society was insolvent, and in their opinion no further business should be transacted. The registry of the society was cancelled on the ground that it had ceased to exist: R. C. R. (1892) 8.

(2.) The chief or assistant registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may, by writing under his hand, suspend the registry for any term not exceeding three months, and may, with the approval of the Treasury, renew the suspension for the like period.

The suspension or renewal of suspension of registry shall be in Form AM (p. 236): T. R. 57. No fee is payable on suspension of registry.

(3.) Unless the chief or assistant registrar has given to a registered society not less than two months previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension, the registry of the society shall not be cancelled (except at its request) or suspended.

The notice before cancelling or suspension shall be in Form AK (p. 235): T. R. 55.

(4.) Where the registry of a society has been cancelled or suspended, notice thereof shall forthwith be advertised.

The advertisement of cancelling and suspension shall be in Form AN (p. 236): T. R. 58. As to the method in which notices of cancelling and suspension of registry are advertised, see s. 81.

Notice is also sent by the registrar to the Registrar General of Births, Marriages, and Deaths, the Comptroller of the National Debt Office, the Comptroller of the Post Office Savings Bank, and to the Chairman of the Board of Inland Revenue: R. C. R. (1881) 24. For a society under suspension or cancelled loses the right to cheap certificates of death, to invest with the National Debt Commissioners, and the Post Office

SS. 77, 78. Savings Bank, and to exemption from stamp duties; it also has no privileges against the estates of officers, and cannot obtain an order of the registrar to transfer stock.

*Inspection:
cancelling
and
suspension
of registry:
dissolu-
tion.*

(5.) Where the registry of a society has been suspended or cancelled, the society shall from the time of the suspension or cancelling (but if suspended, only while the suspension lasts, and subject also to the right of appeal given by this section) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by the society, and any such liability may be enforced against the society as if the suspension or cancelling had not taken place.

The effect of suspension of registry upon a society is that it ceases to have the legal status conferred by registration, and, with the exception that the society retains its former liability to be sued for debts existing at the date of suspension, all the special privileges conferred by the Act cease, and the society sinks into the position of an unregistered society.

*Removal
of suspen-
sion.*

The removal of suspension restores matters, but subject to events that have occurred in the mean time; if, however, the registry is cancelled the chaos continues, and there seems no means of distributing the funds and property.

If a society had deposits in several savings banks, the suspension or cancellation would render most of these illegal and liable to forfeiture under 54 & 55 Vict. c. 21, s. 12.

(6.) A society may appeal from the cancelling of its registry, or from any suspension thereof which is renewed after six months, as follows:—

- (a) from the assistant registrar for Scotland or Ireland to the chief registrar, and from him to the Court of Session in Scotland or the High Court in Ireland respectively; and
- (b) from the chief registrar, in cases not relating exclusively either to Scotland or to Ireland, to the High Court in England.

There is no appeal from the first six months' suspension.

The provision as to appeals is the same as that in the case of appeals from a refusal to register a society: s. 12.

*Dissolu-
tion of
societies.*

78.—(1.) Subject to the provision of this Act as to the dissolution of societies with branches, a registered society

or branch may terminate or be dissolved in any of the following ways:—

S. 78.

*Inspection:
cancelling
and
suspension
of registry:
dissolu-
tion.*

- (a) upon the happening of any event declared by the rules to be the termination of the society or branch;
or
- (b) as respects societies or branches other than friendly societies or branches, by the consent of three-fourths of the members, testified by their signatures to the instrument of dissolution; or
- (c) as respects friendly societies or branches, by the consent of five-sixths in value of the members (including honorary members, if any), testified by their signatures to the instrument of dissolution, and also by the written consent of every person receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society or branch, unless the claim of that person is first duly satisfied, or adequate provision made for satisfying that claim, and, in the case of a branch, with the consent of the central body of the society, or in accordance with the general rules of the society; or
- (d) by the award of the chief registrar or assistant registrars in the cases specified in this Act.

This section provides the necessary machinery for winding up a friendly society, though it appears that in certain cases other methods might be adopted.

There would appear to be no ground of objection to registration of an unregistered society under this Act for the mere purpose of dissolution, and the powers of distribution would then follow: cf. *Fountain's Case*, 34 L. J. Ch. 593.

In 1863 it was held that a friendly and provident society which had done no business since 1844 was an association within the terms of, and might be wound up under, the Companies Act, 1862: *Re The Alfreton District Friendly and Provident Society*, 7 L. T. N.S. 817; and in a recent case (*Re Independent Protestant Loan Fund Society*, 1895, 1 I. R. 1) it was held that the court had jurisdiction under s. 199 of the Companies Act of 1862 to wind up an unregistered company, a friendly society registered under the Friendly Societies Acts but not registered under the Companies Acts, but it was also held that members of a friendly society who had given notice of withdrawal of deposits are not in the same position as outside creditors,

Winding
up under
the Companies
Act, 1862.

S. 78.

Inspection:
cancelling
and
suspension
of registry:
dissolu-
tion.

Funds of
defunct
societies.

and are not entitled *ex debito justitiæ* to a winding-up order, but where circumstances make it just or equitable to do so, the court will order a winding-up. But this section would not be available unless there were more than seven existing members at the date of the winding-up petition: *Re Bowling and Welby's Contract*, 1895, 1 Ch. 663.

Where a society established for the benefit of widows and children of present and future members was reduced to one member, and no means existed under the constitution of electing new members, it was held in 1878 by the Court of Session in Scotland, that the surviving member and annuitants had no right to divide the funds among themselves, though as the society was also held not to be a charity there was no jurisdiction in the court to direct the disposal of the funds. In giving judgment, Lord Deas said, "I do not entertain much doubt that where money is subscribed for a particular purpose, which totally fails, the money belongs to the subscribers and their representatives, if it can be ascertained who they were and are:" *Mitchell v. Burness*, 5 Rett. 954. The same point was raised in England in the case of a society which was established to provide for the relief of the widows of deceased members, certain members called honorary renouncing any claim for their widows to participate; upon the death of the last annuitant, there being no express provision in the rules, it was held by the Court of Appeal overruling Chitty, J., that the unexpended funds were not subject to a resulting trust in favour of the legal personal representatives of the members of the society, and not being applicable *cy-près* to charitable purposes, as the society was not a charity, passed to the Crown as *bona vacantia*: *Cunnack v. Edwards*, 1896, 2 Ch. 679.

Consents
to dis-
solution.

The consent of persons entitled to or receiving relief from a society is necessary for a dissolution, and it would seem that such a member who had not assented to the deed of dissolution would, in the absence of provision made for his claim, be entitled to benefit and death allowance, even though the deed provided for the cessation of payments on a certain date. An infant member can consent to a dissolution of the society: *Dennison v. Jeffs*, 1896, 1 Ch. 611, but in *Rudd v. James*, 1896, 2 Ch. 554, the doubt was raised whether in the case of infants their fathers, guardians, or agents could sign for them. But a juvenile branch of a society governed by a committee of the society cannot be dissolved without the consent of the committee: *Rudd v. James*, 1896, 2 Ch. 554.

In the case of a society with branches the consent of the central body is required in addition for the dissolution of a branch: s. 82.

The majority bind the minority to a dissolution only, they cannot alter their rights under the rules: cf. *Kemp v. Wright*, 1895, 1 Ch. 121; *Botten v. City and Suburban Permanent Building Society*, 1895, 2 Ch. 441.

The proceedings and meetings to arrange the terms of dissolution may be conducted in accordance with the rules, whether as to voting

by proxy or otherwise, but the signature of the members is necessary **SS. 78, 79.**
to attest their consent.

It was decided by the Scottish Court of Session that the words "testified by their signature to the instrument of dissolution" require that the instrument of dissolution should be signed by the members themselves, and signatures given by agents cannot be reckoned in calculating whether the instrument of dissolution is signed by three-fourths of the members of the society: *Second Edinburgh and Leith 493rd Starr-Bowkett Building Society v. Aitken*, 29 Sc. L. R. 456, but this case was not followed by North, J., who held that the consent of a member to a dissolution may be signed by an agent on his behalf: *Dennison v. Jeffs*, 1896, 1 Ch. 611; but it is doubtful whether any one can sign on behalf of an infant member, although the infant may himself have power to sign the instrument of dissolution: *Rudd v. James*, 1896, 2 Ch. 554. The common law rule *qui facit per alium facit per se* ought not to be restricted unless the statute makes personal signature indispensable: *R. v. JJ. of Kent*, L. R. 8 Q. B. 305.

Inspection:
cancelling
and
suspension
of registry:
dissolu-
tion.
Signature.

If a member who has given notice of withdrawal from the society has any interest in the society which is still unsatisfied under the rules he may still be a member of the society, and have to be taken into account in ascertaining the statutory majority necessary for a dissolution: *Sibun v. Pearce*, 44 C. D. 354.

(2.) The provisions of this Act as to the method of calculating the value of members and the remedy of members and persons dissatisfied with the provisions made for satisfying their claims in the case of the amalgamation or transfer of engagements of a registered friendly society shall apply to the dissolution of a registered friendly society or branch.

For these provisions, see s. 70 (6) (7).

79. When a registered society or branch is terminated by an instrument of dissolution:—

Instru-
ment of
dissolu-
tion.

(1.) The instrument shall set forth—

- (a) the liabilities and assets of the society or branch in detail; and
- (b) the number of members and the nature of their interests in the society or branch; and
- (c) the claims of creditors (if any), and the provision to be made for their payment; and
- (d) the intended appropriation or division of the funds and property of the society or branch, unless the

s. 79.

Inspection:
cancelling
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dissolu-
tion.

appropriation or division is stated in the instrument of dissolution to be left to the award of the chief registrar.

Procedure.

Every instrument of dissolution of a society shall be in Form AO (p. 237), and of a branch of a friendly society in Form AO*b* (p. 238), and shall be signed in duplicate, and accompanied by a statutory declaration in Form AP (p. 239), and by a statement naming some newspaper in general circulation in the neighbourhood of the registered office of the society or branch wherein it is desired that notice of the dissolution shall be published, and by the sum requisite to defray the expenses of such publication, and by the further sum of 5*s.* 6*d.* for the like publication in the Gazette: T. R. 60. The registrar shall return one of the duplicates to the society or in the case of a branch to the branch through the society, with an acknowledgment of registry in Form AQ (p. 240): T. R. 61. Alterations in the instrument of dissolution shall be signed, declared to, and registered in like manner: T. R. 62. The advertisement of dissolution by instrument shall be in Form AR (p. 240): T. R. 63. As to the method of advertising the notice of dissolution, see s. 81. The award is in Form AS (p. 241): T. R. 64.

Beyond the cost of advertisements as above, no fee is payable for the registry of the instrument of dissolution or any amendment therein, but a fee of £1 is payable for an award for distribution of funds if this is left to the chief registrar: p. 130.

The instrument of dissolution would not require to be stamped, s. 33 (*d*).

If the deed of dissolution is correct in form, the court will not interfere: cf. *Glover v. Giles*, 18 C. D. 173, 181. The signature of a member to one only of the two duplicate instruments of dissolution is inoperative: *Dennison v. Jeffs*, 1896, 1 Ch. 611.

It is to be noticed that subs. (1) does not require, as is required by the corresponding section of the Building Societies Act, 1874 (37 & 38 Vict. c. 42), s. 32 (3), that the instrument of dissolution shall set forth the names of one or more persons to be appointed trustees for the special purpose and their remuneration. In the case of societies under this Act a provision appointing such a person might be inserted in the instrument of dissolution, and in some cases it would be advisable to do so in order to facilitate the distribution of the property of the society. But in appointing such a person the instrument of dissolution should confer on him a proper title to the property and the necessary powers to carry out the objects for which he is appointed: *Re Campbell*, 28 Sc. L. R. 147.

(2.) Alterations in the instrument of dissolution may be made with the like consents as are in this Act required for the dissolution of a society or branch, testified in the same manner.

(3.) A statutory declaration shall be made by one of the trustees, or by three members and the secretary of the society or branch, that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution.

s. 79.

*Inspection:
 cancelling
 and
 suspension
 of registry:
 dissolution.*

(4.) The instrument shall not in the case of a registered friendly society or branch direct or contain any provision for a division or appropriation of the funds of the society or branch, or any part thereof, otherwise than for the purpose of carrying into effect the objects of the society or branch as declared in the rules thereof, unless the claim of every member or person claiming any relief, annuity, or other benefit from the funds thereof is first duly satisfied, or adequate provisions are made for satisfying those claims.

The instrument of dissolution does not exist until claims have been duly satisfied or provision made for their satisfaction, and the consent obtained of five-sixths of the members and of every person receiving or entitled to receive any relief annuity or other benefit from the funds of the society. This subsection would appear to be merely surplusage.

(5.) The instrument of dissolution and all alterations therein shall be registered in manner in this Act provided for the registry of amendments of rules, and shall be binding upon all the members of the society or branch.

For the manner of registration, see s. 13.

A society was dissolved by instrument which provided for distribution of the funds, and was duly registered; one of the signatories died between the date of registration and that of advertisement. His widow claimed the sum which by the rules was payable on the death of a member. It was held by the chief registrar, on a reference to him, that the instrument of dissolution was binding on her as claiming through the member: *Fortune v. Orr*, R. C. R. (1894) 14.

(6.) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society or branch, and, unless within three months from the date of the Gazette in which the advertisement appears, a member or other person interested in or having any claim on the funds of the society or branch commences proceedings to set aside the dissolution of the society or branch, and the

ss. 79, 80. dissolution is set aside accordingly, the society or branch shall be legally dissolved from the date of that advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto.

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cancelling
and
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of registry:
dissolu-
tion.*

The effect of this is that division of the funds cannot take place until three months after the date of the advertisement by the registrar.

The trustees of a society, even if they are not interested in the property of the society in the sense in which those words are used in the Act, are not prevented from taking proceedings to set aside a dissolution and to preserve the property from being disposed of contrary to the rules of the society: *Rudd v. James*, 1896, 2 Ch. 554, 561.

Dissolu-
tion by
award.

80.—(1.) Upon the application made in writing under their hands—

- (a) of one-fifth of the whole number of members of a registered society or branch; or
 - (b) in the case of a registered society or branch of one thousand members and not exceeding ten thousand, of one hundred members; or
 - (c) in the case of a registered society or branch of more than ten thousand members, of five hundred members,
- the chief registrar may by himself, or by any assistant registrar, or by any actuary or public auditor whom the chief registrar may appoint in writing under his hand, investigate the affairs of the society or branch, but shall give not less than two months previous notice in writing to the society or branch whose affairs are to be investigated.

(2.) The application shall—

- (a) state that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured; and
- (b) set forth the grounds on which the insufficiency is alleged; and
- (c) request an investigation into the affairs of the society or branch with a view to the dissolution thereof.

(3.) If upon the investigation it appears that the funds of the society or branch are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society or branch are insufficient to cover the benefits assured to be given by the society or branch, the chief registrar may, if he considers it expedient so to do, award that the society or branch be dissolved, and its affairs wound up, and shall direct in what manner the assets of the society or branch shall be divided or appropriated: Provided always, that the chief registrar may suspend his award for such period as he may deem necessary to enable the society or branch to make such alterations and adjustment of contributions and benefits as will in his judgment prevent the necessity of the award of dissolution being made.

S. 80.

*Inspection:
cancelling
and
suspension
of registry:
dissolu-
tion.*

(4.) A registrar proceeding under this section shall have all the same powers and authorities, enforceable by the same penalties, as in the case of a dispute referred to him under this Act.

(5.) Every award under this section, whether for dissolution or distribution of funds, shall be final and conclusive on the society or branch in respect of which the award is made, and on all members of the society or branch and on all other persons having any claim on the funds of the society or branch, without appeal, and shall be enforced in the same manner as a decision on a dispute under this Act.

(6.) The expenses of every investigation and award, and of publishing every notice of dissolution, shall be paid out of the funds of the society or branch before any other appropriation thereof is made.

(7.) Notice of every award for dissolution shall, within twenty-one days after the award has been made, be advertised by the central office and unless, within three months from the date on which that advertisement appears, a member or person interested in or having any claim on the funds of the society or branch commences proceedings to set aside the dissolution of the

s. 80. society or branch consequent upon such award, and the dissolution is set aside accordingly, the society or branch shall be legally dissolved from the date of the advertisement, and the requisite consents to the application to the registrar shall be considered to have been duly obtained without proof of the signatures thereto.

*Inspection:
cancelling
and
suspension
of registry.
dissolu-
tion.*

Procedure. Every application for dissolution of a society by award of the chief registrar shall be in Form AT (p. 241), and shall name some newspaper in general circulation in the neighbourhood of the registered office of the society, wherein it is desired that notice of the award shall be published, and with it shall be sent the sum requisite to defray the expenses of such publication, and the further sum of 5s. 6d. for the like publication in the Gazette: T. R. 65. The notice of investigation, the award, and the notice of dissolution by award shall be in Forms AU, AV, and AW (pp. 242, 243), respectively: T. R. 66, 67. As to the method in which the notices are to be advertised, see s. 81. The fee for a registrar's award for dissolution is £1: p. 130.

Where application is made for an investigation into the affairs of a society with a view to the dissolution thereof, upon the ground that the rates of contribution fixed in the rules of such society are insufficient to cover the benefits assured, the chief registrar may, if he think fit, at any time before making his award, require payment of such fee as he may deem reasonable, not exceeding the scale fixed by T. R. 19 (p. 47), and such fee shall be paid in manner prescribed by T. R. 20 (p. 48): T. R. 70.

Powers of registrar. The registrar may be requested to investigate the affairs of the society either on the ground of insufficiency of funds or insufficiency of contributions; and if, upon investigation,—the actuary to the central office being the person generally appointed for the purpose—the registrar finds these charges substantiated, he has power, unless alterations are effected, to dissolve the society, and so prevent it from becoming hopelessly insolvent. But the granting of this investigation is entirely in the discretion of the registrar; so also is his power of suspending the award for a period. The society, on its part, is not bound to make the adjustment recommended.

Branches. The registrar cannot entertain an application for investigation into the affairs of a branch, with a view to its dissolution, without the consent of the central body of the society: s. 82. The instrument of dissolution of a branch must be in Form AO*b* (p. 238).

As to enforcing the award, see s. 68 (p. 91).

The effect of subs. (5) is that there is no appeal from the award of the registrar upon the merits, as, for instance, upon the ground that it is unjust between parties. A member having a claim on the funds of the society is not entitled to take proceedings to set aside the dissolution merely on the ground that he is dissatisfied with the

provision made for satisfying his claim: *Wilmot v. Grace*, 1892, **SS. 80, 81, 1 Q. B. 812.** **82, 83.**

Subs. (7) contemplates proceedings to set aside the award on certain grounds, as, for instance, that the chief registrar has exceeded his authority, or that he has not heard all the parties interested.

It appears that the county court has no jurisdiction to entertain an application to set aside the award of the chief registrar, but that application should be to the High Court. In *Wilmot v. Grace*, 1892, 1 Q. B. 812, Wright, J., thought that the Treasury had no power to make the regulations and forms providing for an appeal to the county court from the award of the chief registrar dissolving a friendly society.

Inspection: cancelling and suspension of registry: dissolution.

Setting aside award.

81. A notice required by this Act to be advertised shall be published in the Gazette and in some newspaper in general circulation in the neighbourhood of the registered office of the society or branch.

Advertisement of notices.

The notices required to be advertised are notices of cancelling and suspension of registry: s. 77 (4); dissolution by consent: s. 79 (6); and dissolution by award: s. 80 (7). Circulation in the neighbourhood of the registered office is substituted for circulation in the county in which the registered office is situate.

82. The provisions of this Act respecting the dissolution of societies shall not apply to any society having branches except with the consent of the central body of the society.

Dissolution of societies having branches.

83.—(1.) Where a person takes any proceeding to set aside the dissolution of a society or branch, he shall give notice of the proceeding to the central office not less than seven days before the proceeding is commenced.

Notice of proceedings or order to set aside dissolution.

(2.) Where an order is made setting aside the dissolution of a society or branch, the society or branch shall give notice of the order to the central office within seven days after the order has been made.

The notice of a proceeding to set aside a dissolution by instrument shall be in Form AX (p. 244), and the notice of an order setting aside a dissolution in Form AY (p. 244). Where such notice relates to a society which is registered and does business exclusively in Scotland or Ireland, it shall be sent to the central office through the assistant registrar for Scotland or Ireland, as the case may be. In all other cases where a society is registered or does business in Scotland or Ireland, the central office shall forthwith apprise the assistant registrar

S. 83. for Scotland or Ireland, as the case may be, of the receipt of the same: T. R. 68.

Inspection: It will be noticed that these forms (AX, AY) imply that the appli-
cancellation cation is to be to the county court: that this does not confer jurisdiction
and on the county court, see remarks of Wright, J., in *Wilmot v. Grace*,
suspension 1892, 1 Q. B. 812.
of registry:

dissolu- If the dissolution is set aside, the society is restored to the register.
tion.

S. 84.

Offences, Penalties, and Legal Proceedings.

Offences,
penalties,
and
legal pro-
ceedings.

Offences.

84. It shall be an offence under this Act if—

- (a) a registered society or branch or an officer or member thereof fails to give any notice, send any return or document, do or allow to be done any thing which the society, branch, officer, or person is by this Act required to give, send, do, or allow to be done: or
- (b) a registered society or branch or an officer or member thereof wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or other registrar or by any other person authorised under this Act, or does any thing forbidden by this Act: or
- (c) a registered society or branch or an officer or member thereof makes a return or wilfully furnishes information in any respect false or insufficient: or
- (d) an officer or member of a body which, having been a branch of a society, has wholly seceded or been expelled from that society, thereafter uses the name of that society or any name implying that the body is a branch of that society, or the number by which that body was designated as such branch: or
- (e) where a dispute is referred under this Act to the chief or other registrar, a person refuses to attend or to produce any documents, or to give evidence before the chief or other registrar: or
- (f) a society or branch whether registered or unregistered pays money on the death of a child under ten years of age otherwise than is provided by this Act: or
- (g) a parent or personal representative of a parent

claiming money on the death of a child produces a certificate of the death other than is in this Act provided to the society or branch from which the money is claimed, or produces a false certificate, or one fraudulently obtained, or in any way attempts to defeat the provisions of this Act with respect to payments upon the death of children.

**SS. 84, 85,
86, 87.**

*Offences,
penalties,
and
legal pro-
ceedings.*

The penalty for the offences mentioned under this section is a fine Penalty. of not more than £5: s. 89.

For further offences in connection with collecting societies and industrial assurance companies, see the C.S.A., s. 14.

85. Where a registered society or branch is guilty of an offence under this Act every officer of the society or branch bound by the rules thereof to fulfil any duty whereof the offence is a breach, or if there is no such officer, then every member of the committee, unless that member is proved to have been ignorant of or to have attempted to prevent the commission of the offence, shall be liable to the same penalty as if he had committed the offence.

*Offences
by societies
to be also
offences by
officers,
&c.*

For the definitions of "officer" and "committee," see s. 106.

An offence by a society being an offence by its officers, if there is no officer whose duty it is to do the acts the omission of which constitutes the offence, the whole committee should be proceeded against.

86. Every default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the default continues.

*Continu-
ing
offences.*

This section renders the offences under this Act continuing offences and in most cases will prevent the operation of the limit of time for making a complaint or laying an information imposed by the Summary Jurisdiction Act, 1848 (11 & 12 Vict. c. 43), s. 11.

87.—(1.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules of a registered society or branch, on the pretence that they are the existing rules of that society or branch, or that there are no other rules of the society or branch, or gives to any person a copy of any rules on the pretence that

*Punish-
ment of
fraud, false
declara-
tions, and
misappro-
priations.*

s. 87. those rules are the rules of a registered society or branch when the society or branch is not registered, the person so offending shall be guilty of a misdemeanor.

*Offences,
penalties,
and
legal pro-
ceedings.*

As to the obligation to deliver copies of the rules, see s. 38.

This is an indictable offence and is not the subject of the summary jurisdiction of the magistrates; it subjects the offender to fine or imprisonment or both. Every attempt to commit a misdemeanor or to incite another person to the commission of a misdemeanor is a misdemeanor.

(2.) If any person knowingly makes a false or fraudulent statement in any statutory declaration required by this Act, he shall be guilty of a misdemeanor.

A statutory declaration is required by the Act in the case of a dissolution by instrument; s. 79 (3).

The society or its trustees are empowered by the Act to require a statutory declaration when a member is claiming benefits: s. 41 (2); and before making payment of moneys due to a deceased member: s. 59. Statutory declarations are also required by the Treasury regulations to accompany the following applications: To register amendments of rules: s. 13, or branch rules: s. 19; for a direction to transfer stock: s. 34; for approval of change of name: s. 69; to register special resolutions for amalgamation or transfer of engagements: s. 70, or for conversion into, amalgamation with or transfer of engagements to a company: s. 71; and for the appointment of inspectors or calling of special meetings: s. 76, or for cancelling of registry: s. 77. The central office also requires a statutory declaration to accompany the application under s. 87 (4) (c) for an authority to prosecute. It does not seem that this subsection would apply to the statutory declarations enumerated in this paragraph, but by the Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 21, in this Act the expression "statutory declaration" means a declaration made by virtue of the Statutory Declarations Act, 1835 (5 & 6 Will. 4, c. 62), under which Act the making of a false declaration is declared to be a misdemeanor. Having regard to this last-mentioned Act the provision of this subsection appears superfluous.

In the case of registry of amendments of rules, special resolutions and transfers of engagements from one society to another, where a statutory declaration is required by Treasury regulation only, the chief or other registrar may for the purposes of the F.S.A. require and receive as an alternative to such declaration information in the form provided for the purpose in the schedule to this regulation: T. R. 75; see pp. 245-247.

(3.) If any person obtains possession by false representation or imposition of any property of a registered society

or branch, or withholds or misapplies any such property in his possession, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society or branch and authorised by this Act, he shall, on such complaint as is in this section mentioned, be liable on summary conviction to a fine not exceeding twenty pounds, and costs, and to be ordered to deliver up all such property, or to repay all sums of money applied improperly, and in default of such delivery or repayment, or of the payment of such fine and costs as aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months.

S. 87.

Offences,
penalties,
and
legal pro-
ceedings.

“Property” means all property whether real or personal (including books and papers): s. 106.

“Withholding or applying” means dishonestly withholding or applying, and the provisions as to penalty and imprisonment could not be construed to apply to persons acting quite honestly: *Scott v. Wilson*, 9 T. L. R. 492; but it must be shown they have been guilty of misconduct, e.g. fraud or misrepresentation: *Barrett v. Markham*, L. R. 7 C. P. 405. “Withholding” must be a continuing offence and therefore the six months’ limitation under 11 & 12 Vict. c. 43, s. 11, does not apply: cf. *Mayer v. Harding*, 17 L. T. N.S. 140.

A security given to secure repayment of moneys misappropriated by an officer on an agreement that no proceedings should be taken for the recovery of penalties is an agreement to stifle prosecution, and therefore void: *Andrews v. Southwart*, F. S. Cas. 73; and the agreement not to prosecute may be implied: *Jones v. Merionethshire Permanent Benefit Building Society*, 1892, 1 Ch. 173; but it must distinctly appear that there was an agreement, either express or implied, to abstain from prosecuting: *Ward v. Lloyd*, 6 M. & G. 785; *Flower v. Sadler*, 10 Q. B. D. 572. When a third person seeks to set such a security aside the burden of proof is on him to prove pressure or undue influence: *McClatchie v. Haslam*, 17 Cox C. C. 402. But any sums paid under such a security, having been paid in pursuance of a debt, are not recoverable: *Andrews v. Southwart*, F. S. Cas. 73.

Agree-
ment not
to prose-
cute.

Where an officer of a society is entrusted with property for the value of which he has to account, and a deficiency exists which cannot fairly be attributed to depreciation and waste, this constitutes a *prima facie* case for the granting of a summons: *R. v. Bennett*, 10 R. 456; but where an officer, being indebted to the society for moneys received on their behalf, resigned his office and made an assignment for the benefit of his creditors, it was held that the assignee could not be proceeded against under 18 & 19 Vict. c. 63, s. 24 (which was to the same effect as this subsection), as that applied

To what
property
section
applies.

- S. 87.** only where specific money, shown to belong to the society, was in the hands of the officer, and there was no evidence to that effect: *Ex p. O'Donnell*, L. R. 1 Q. B. 274.
- Offences, penalties, and legal proceedings.* A registered society consisting of many members of a former unregistered society cannot take proceedings, under this section, to compel the treasurer of the old society to deliver up papers in his hands, unless he has been a party to the registration: *Patrick v. Gilbert*, 18 W. R. 315.
- Property before registration.* But the treasurer of a friendly society was held to be entitled to recover on a promissory note, where the rules of the society were filed before the note became due, though not before it was made: *Margett v. Parkes*, 1 D. & L. 582; cf. also *Ex p. Gordon*, 15 J. P. 767.
- Evidence.* The proceedings under this section are criminal, and consequently a defendant in such is not competent or compellable to give evidence. Several acts of misappropriation might be included in one information to justices.
- Persons affected by section.* Under 10 Geo. 4, c. 56, s. 14, which gave power to the Court of Exchequer in a summary manner to order payment of any sum of money belonging to a society which had been received by any of its members, and not repaid after demand made, two members were ordered to restore money belonging to a society which had been received by them: *Re Briton Friendly Society*, 1 W. R. 50. An officer would be liable for misappropriation by his private clerk, see *Ex p. James*, 48 J. P. 54.
- Remedy by action.* The remedy given by this subsection does not take away the common law remedy by action, and a treasurer may be sued for money had and received: *Sinden v. Bankes*, 3 E. & E. 623; *Sharp v. Warren*, 6 Pr. 131; but where a penalty has been imposed on a person for misapplying the moneys of a society, and, an order to repay such moneys having been made against him, he has been imprisoned for default in paying the penalty and repaying the moneys, the order to repay and the imprisonment, which is execution upon it, are a bar to an action subsequently brought by the society for recovery of the same moneys: *Vernon v. Watson*, 1891, 2 Q. B. 288; *Knight v. Whitmore*, 53 L. T. N.S. 233.

(4.) Complaint under this section may be made—

- (a) in the case of a registered society, by the society or any member authorised by the society, or the trustees or committee of the society; or
- (b) in the case of a registered branch, by
- (i.) the branch or any member authorised by the branch or the trustees or committee thereof; or
 - (ii.) the central body of the society of which the branch forms part; or

- (iii.) any member of the society or branch authorised by the central body; or
- (c) in any case, by the chief registrar or any assistant registrar by his authority, or by any member of the society or branch authorised by the central office.

S. 87.

*Offences,
penalties,
and
legal pro-
ceedings.*

The authority of the central office to prosecute is granted almost as a matter of course, on a statutory declaration, made by a member, to the effect that any of the malpractices within the terms of the section have taken place; the central office thereby implying no opinion on the merits of the case, but simply that the person complaining has a *locus standi* for the purposes of prosecution at his own risk and cost: *R. v. C. R.* (1876) 26. For form of statutory declaration and authority for prosecution, see p. 180.

(5.) Nothing in this Act shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

It is embezzlement for a clerk to a registered friendly society fraudulently to withhold the rents of a house collected in the course of his duty as a clerk; he may be said to be servant of the trustees to whom the house was conveyed, if appointed by them or the society; it is no defence that the society has not been properly conducted: *R. v. Miller*, 2 Moo. C.C. 249. To warrant a conviction for embezzlement it was sufficient to prove that the prisoner was employed as secretary of the society, and had not duly accounted according to the rules of the society, and that, having taken upon himself to collect moneys, he was answerable as a servant for embezzlement: *R. v. Murphy*, 4 Cox C. C. 101; *R. v. Proud*, 31 L. J. M. C. 71; cf. *R. v. Hall*, 1 Moo. C. C. 474.

Charge of
embezzle-
ment.

It does not seem that this section would apply to the case of a member who had by false representation obtained sick pay or other benefit from a society. Under such circumstances an indictment for obtaining money under false pretences might be preferred: *R. v. Dent*, 1 C. & K. 249. A secretary of a society who obtained money from a member by falsely representing he owed it to the society was held rightly convicted of obtaining money by false pretences: *R. v. Wooley*, 1 Den. 559; cf. also *R. v. Welman*, 1 Dears. C. C. 189.

A trustee who misappropriates money of the society cannot be convicted of feloniously converting or stealing the moneys of the treasurer of the society: *R. v. Loose*, 2 L. T. N.S. 254; a treasurer of an unregistered society who had made a fictitious banker's pass-book to enable him to appropriate moneys of the society was held to have been rightly convicted of forgery: *R. v. Smith*, 6 L. T. N.S. 300.

ss. 88, 89,
90, 91.

*Offences,
penalties,
and
legal pro-
ceedings.*

Fine for
falsifica-
tion.

88. If any person wilfully makes, orders, or allows to be made, any entry, erasure in, or omission from a balance sheet of a registered society or branch, or a return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he shall be liable to a fine not exceeding fifty pounds.

As to falsification of a contribution or collecting book of a collecting society or industrial assurance company, see the C.S.A., s. 15.

Fine for
ordinary
offences.

89. A society or branch, and an officer or member of a society or branch, or other person guilty of an offence under this Act for which a fine is not expressly provided shall be liable to a fine of not more than five pounds.

Offences under the Act for which no penalty is expressly provided are enumerated in s. 84.

As to the recovery of fines, see s. 91.

Special
offences in
the case of
friendly
societies.

90. If an officer or person aids or abets in the amalgamation or transfer of engagements or in the dissolution of a friendly society otherwise than as in this Act provided he shall be liable on summary conviction to the fine imposed by this Act for offences thereunder, or to be imprisoned with hard labour for a term not exceeding three months.

See as to amalgamation or transfer of engagements, s. 70; and as to dissolution, s. 78.

Recovery
of fine.

91.—(1.) A fine imposed by this Act, or by any regulations thereunder, or by the rules of a registered society or branch, shall be recoverable in a court of summary jurisdiction.

(2.) Any such fine shall be recoverable at the suit of the chief registrar or of any assistant registrar, or of any person aggrieved.

The penalties imposed by the rules of a society give the society a power to punish negligent or refractory members; but penalties imposed by the rules must not be contrary to the provisions of the Act.

Except in the case of the Isle of Man, s. 103 (5), Jersey, s. 104 (1) (e), and Guernsey, s. 104 (2) (e), the Act does not provide for the

application of the penalties imposed by it: in England by the Summary Jurisdiction Act, 1848 (11 & 12 Vict. c. 43), s. 31, the clerk to the justices is to pay the penalties to the treasurer of the county, riding, division, liberty, city, borough or place for which the justice or justices have acted; as to Ireland, see 14 & 15 Vict. c. 90, 14 & 15 Vict. c. 93, and 37 & 38 Vict. c. 72, s. 5.

ss. 91, 92,
93.

*Offences,
penalties,
and
legal pro-
ceedings.*

92. In England and Ireland all offences and fines under this Act may be prosecuted and recovered in the manner directed by the Summary Jurisdiction Acts either—

Juris-
diction of
court of
summary
jurisdic-
tion.

- (a) at the place where the offence was committed; or
- (b) as respects a prosecution against a registered society or branch or an officer thereof, at the place where the registered office of the society or branch is situated; or
- (c) as respects a prosecution against a person other than a registered society or branch or an officer thereof, at the place where the person is resident at the time of the institution of the prosecution.

In Acts of Parliament passed after 1850 “the Summary Jurisdiction (England) Acts” and “the Summary Jurisdiction (English) Acts” respectively mean the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act past or future amending those Acts or either of them; “the Summary Jurisdiction (Scotland) Acts” means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act past or future amending those Acts or either of them; “the Summary Jurisdiction (Ireland) Acts” means, as respects the Dublin Metropolitan Police District, the Acts regulating the powers and duties of justices of the peace or of the police of that district, and as respects any other part of Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act past or future amending the same; and “the Summary Jurisdiction Acts” when used in relation to England and Wales means the Summary Jurisdiction (England) Acts, and when used in relation to Scotland the Summary Jurisdiction (Scotland) Acts, and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts: the Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 13.

Summary
Jurisdic-
tion Acts.

As to enforcing orders of a court of summary jurisdiction, see, for England, 42 & 43 Vict. c. 49, ss. 21, 39 (3, 4); and for Ireland, 14 & 15 Vict. c. 93, ss. 23, 24 (7), 32.

As to the description of offences in summary proceedings, see the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49), s. 39 (1), (2).

93.—(1.) In England or Ireland any person may appeal Appeals.

SS. 93, 94. to quarter sessions from any order or conviction made by a court of summary jurisdiction under this Act.

*Offences,
penalties,
and
legal pro-
ceedings.*

(2.) In Scotland any person may appeal from any order or conviction under this Act in accordance with the provisions of the Summary Jurisdiction (Scotland) Acts.

The expression "court of quarter sessions" means the justices of any county, riding, parts, division, or liberty of a county, or of any county of a city or county of a town in general or quarter sessions assembled, and shall include the court of the recorder of a municipal borough having a separate court of quarter sessions: Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 13 (14).

The procedure on appeals from the conviction or order of a court of summary jurisdiction to a court of general or quarter sessions is provided for by s. 31 of the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49).

For the definition of the Summary Jurisdiction (Scotland) Acts, see p. 127.

As to procedure on appeals in Scotland, see the Summary Prosecutions Appeals (Scotland) Act, 1875 (38 & 39 Vict. c. 62).

**Legal pro-
ceedings.**

94.—(1.) The trustees of a registered society or branch, or any other officers authorised by the rules thereof, may bring or defend, or cause to be brought or defended, any action or other legal proceeding in any court whatsoever, touching or concerning any property, right, or claim of the society or branch, and may sue and be sued in their proper names, without other description than the title of their office.

(2.) In legal proceedings brought under this Act by a member, or person claiming through a member, a registered society or branch may also be sued in the name, as defendant, of any officer or person who receives contributions or issues policies on behalf of the society or branch within the jurisdiction of the court in which the legal proceeding is brought, with the addition of the words "on behalf of the society or branch" (naming the same).

(3.) A legal proceeding shall not abate or be discontinued by the death, resignation, or removal from office of any officer, or by any act of any such officer after the commencement of the proceedings.

(4.) The summons, writ, process, or other proceeding, to

be issued to or against the officer or other person sued on behalf of a registered society or branch, shall be sufficiently served by personally serving that officer or other person, or by leaving a true copy thereof at the registered office of the society or branch, or at any place of business of the society or branch within the jurisdiction of the court in which the proceeding is brought, or, if that office or place of business is closed, by posting the copy on the outer door of that office or place of business.

S. 94.
 Offences,
 penalties,
 and
 legal pro-
 ceedings.

(5.) In all cases where the said summons, writ, process, or other proceeding is not served by means of such personal service or by leaving a true copy thereof at the registered office of the society or branch as aforesaid, a copy thereof shall be sent in a registered letter addressed to the committee at the registered office of the society or branch, and posted at least six days before any further step is taken on the proceeding.

The officers authorised, etc., see s. 9 (2). Unless the rules otherwise provide, the trustees are the proper persons to sue or be sued.

The society, if sued in its own name, may appear either in the name of the society, with the addition of the words "registered under the Friendly Societies Act, 1896," or by the persons appointed to be sued: Annual Practice, 1898, p. 286.

Against
 whom pro-
 ceedings
 should be
 taken.

Subject to the provisions of this section the ordinary practice must be followed. As to making the Attorney-General a party to the proceedings, see *Anon*, 3 Atk. 277; *Spiller v. Maude*, 32 C. D. 158 n., and *Pease v. Pattinson*, 32 C. D. 154.

Proceedings pending between a society and one of its members were compromised by an agreement between the solicitor of the member and the society, whereby, *inter alia*, the society promised to pay the solicitor certain costs and charges. These costs and charges were not paid, and an action to enforce payment was held to be one touching the right of the society and to have been properly brought against the officer: *Roberts v. Page*, 1 Q. B. D. 476.

If the trustees are sued there is apparently no need for them to obtain any consent from the society to defend the action.

The officer or other person sued is not personally liable: see *Wormwell v. Hailstone*, 6 Bing. 668; *Harrison v. Timmins*, 4 M. & W. 510; *Alexander v. Worman*, 6 H. & N. 100.

Where a society or branch appoints officers to sue and be sued, other than its trustees, notice of every such appointment shall be given in the same manner as provided for trustees with the necessary modifications to suit the facts: T. R. 69.

Officers to
 sue and be
 sued.

SS. 95, 96.

Fees: Forms: Regulations: Evidence.

Fees:
forms: re-
gulations:
evidence.

Remunera-
tion of
county
court
officers.
Fees.

95. The registrars and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord Chancellor, may direct.

96.—(1.) The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act.

(2.) A fee shall not be payable on the registry of any friendly, benevolent, or cattle insurance society, or working men's club, or of any amendment of the rules thereof.

(3.) All fees which may be received by any registrar under or by virtue of this Act shall be paid into the Exchequer.

The following fees shall be payable in advance for matters to be transacted, and the inspection of documents under the Act (T. R. 70):—

	£	s.	d.
For the acknowledgment of registry of a specially authorised society	1	0	0
For the acknowledgment of registry of every amendment of the rules of the same	10	0	
For the registry of a special resolution by any society (to include, in the case of a change of name, the approval of the same)	10	0	
For every direction to transfer stock	1	0	0
For every appointment of inspectors, or calling of a special meeting by a registrar	1	0	0
For the determination of a registrar on a dispute, or for his award for dissolution or distribution of funds ...	1	0	0
And if more than one hearing or adjournment become necessary, then £1 more for every hearing after the first, and for every adjournment.			
For every order of a registrar dispensing with consents and conditions for amalgamation or transfer of engagements	1	0	0
For every document (except as after mentioned) required to be signed by a registrar, or to bear the seal of the central office, not chargeable with any other fee to the registrar	2	6	
For every inspection on the same day of documents (whether one or more) in the custody of the registrar relating to one and the same society	1	0	

For the registry of a valuation where the society has been suspended for default in making the same, a fee equal to the amount paid for advertising the suspension or suspensions of the society. ss. 96, 97.

For every copy or extract of any document in the custody of the registrar, not exceeding 216 words, 1s., and if exceeding that number, 4d. per folio of 72 words (in addition to the fee, if any, for the signature of a registrar, or seal of the central office). Fees :
forms : re-
gulations :
evidence.

No fee is payable for the recording of rules or documents already registered in another country, or for the registry or recording of—

The cancelling or suspension of registry of a society.

Any notice of change of office, or of the appointment of trustees.

Any notice of the establishment of a branch, or the rules of the same or any amendment thereof.

Any instrument of dissolution, or any amendment therein.

Any document or copy of document supplied to a public department.

Any document in respect of which a fee is already chargeable, under or by virtue of the Act and of any other statute.

The chief registrar may also dispense with the fee for inspection of documents in cases where he may consider it for the public interest to do so.

The assistant registrars for Scotland and Ireland respectively shall keep records of all fees received by them, under the Act or the Treasury regulations, and shall pay such fees, at least twice a year, into the Bank of England, to the cash account of H.M.'s Paymaster-General for the credit of registrars of friendly societies. They shall at the same time send to the chief registrar a list of the fees so paid; and he shall cause the amount thereof to be paid into H.M.'s Exchequer : T. R. 2.

97.—(1.) For the purpose of this Act a certificate of the birth or death of any member of or person insured or to be insured with a registered friendly society or branch shall, on application being made as in this Act provided, be given under his hand by the registrar of births or deaths, for a sum not exceeding one shilling, in place of all fees or payments otherwise payable in respect thereof. Fees payable to registrar of births and deaths.

(2.) Whenever application is made at one time to any such registrar for more certificates than one of the same birth or death for the purposes of and in the manner prescribed by this Act, the sum charged for every such certificate other than the first shall not exceed sixpence.

(3.) Whenever the registrar is required by the person

SS. 97, 98. applying for any certificate of birth or death to fill up the form of application, he may demand a sum not exceeding threepence for so doing.

Fees:
forms: re-
gulations:
evidence.

(4.) For the purposes of this section the expression "registrar of births or deaths" shall include any person having the care of the register of births or deaths in which the birth or death is entered.

The privilege in this subsection is confined to a registered friendly society, and does not extend to an unregistered friendly society, or to a benevolent society, whether registered or not. The usual fee is 2s. 6d., and a penny stamp on the certificate. The application is made on a special form, on the back of which the certificate is written; if the registrar is required to fill up the form of application, he may charge a fee of threepence for so doing.

Form of certificate. This section does not prevent the ordinary form of certificate from being used, but only provides that a certificate for the purposes of the Act may be procured at a cheaper rate than usual, and then application is to be made in a particular form. In the case, however, of payments to be made under s. 62, only the special form of certificate allowed by the Act can be used.

Forms. **98.—(1.)** The forms to be used for registry shall be those contained in Part I. of the Second Schedule to this Act or such other forms as are prescribed by Treasury regulations.

(2.) The acknowledgment of registry of a branch and of any amendment of the rules of a branch shall be in the forms provided in Part II. of the same schedule.

(3.) Every annual or other return, abstract of valuation, and other document required for the purposes of this Act, shall be made in such form and shall contain such particulars as the chief registrar prescribes.

(4.) A receipt under this Act endorsed upon or annexed to a mortgage or other assurance shall be in the form set forth in Part III. of the same schedule, or in any form specified in the rules of the society or branch or any schedule thereto, and a bond to be given by an officer in receipt or charge of money shall be in one of the forms set forth in the said part.

(5.) Applications for certificates of births and deaths under this Act shall be in such form and under such

regulations as may be approved of by the registrar-general of births, deaths, and marriages for England, Scotland, and Ireland respectively. ss. 98, 99,
100.

99.—(1.) The Treasury may make regulations respecting registry and procedure under this Act, and the seal to be used for registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect. Fees :
forms : re-
gulations :
evidence.
Regula-
tions for
carrying
out Act.

(2.) All such regulations shall forthwith be laid before both Houses of Parliament.

The Treasury regulations at present in force are those of the 1st of January, 1897, and June 15, 1897. All forms annexed to regulations may be modified to suit any limited application of the provisions of the Act, or to suit any particular branches when necessary, or classes of societies or branches, or particular cases, by authority of the chief registrar : T. R. 71 ; the chief registrar may dispense with the obligation to supply a duplicate of any document, where such obligation is imposed only by the regulations : T. R. 72 ; notwithstanding the rescinding of any regulation, a form issued under such regulation may be accepted by a registrar : T. R. 73.

Expressions used in the Treasury regulations are, unless the contrary intention appears, to have the same respective meanings as in the Act : Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 31. Construc-
tion of
regula-
tions.

100. Every document bearing the seal or stamp of the central office shall be received in evidence without further proof ; and every document purporting to be signed by the chief or any assistant registrar, or any inspector, or public auditor or valuer under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature. Evidence
of docu-
ments.

This section is contrary to the almost stereotyped form of rendering certified or examined copies of documents admissible. It is to be noted that the latter sentence of the section is confined to original documents, and that copies or extracts—to become admissible under the Act—must, it would seem, be sealed in accordance with the first sentence.

The section does not apparently exclude the ordinary rules of documentary evidence : it only gives a cheaper and less troublesome method ; for it is conceived that an examined copy of the registered rules might be put in evidence.

As to the cost of obtaining signed or sealed copies of documents, see note to s. 96.

S. 100. On the trial of an indictment to enforce a magistrate's order, a recital in the order that the rules of the society had been duly enrolled is not evidence of the enrolment: *R. v. Gilkes* (1828), 8 B. & C. 439.

Fees: regulations: evidence.

Application of Act.

S. 101.
Application of Act.

Application to existing societies.

101.—(1.) This Act shall apply to societies and branches subsisting at the commencement of this Act which or the rules of which have been registered, enrolled, or certified, under any Act relating to friendly societies or cattle insurance societies, as if they had been registered under this Act, and the rules of those societies and branches shall, so far as they are not contrary to any express provision of this Act, continue in force until altered or rescinded.

(2.) Where the contingent annual payments to which the members or the nominees of the members of friendly societies or branches, established before the fifteenth day of August one thousand eight hundred and fifty, may become entitled exceed the limit fixed by this Act, the rules of those societies and branches shall continue to be valid, anything in this Act to the contrary notwithstanding.

This section is similar to 18 & 19 Vict. c. 63, ss. 2, 3, under which it was held that a society which had enrolled rules but not alterations of the same, was a subsisting society under the original rules: *Re Meredith and Whittingham*, 1 C. B. N.S. 216.

The effect of the section is that every society established under the former Acts is a "registered society" under this Act, although its objects may not be within those stated in s. 8; all such societies therefore are, without any re-registration, entitled to the privileges granted and the obligations imposed by this Act, but their rules are valid only to the extent defined by this section.

Alteration or rescission.

Alteration or rescission of the rules must be according to the law at present in force, and this section does not impliedly re-enact s. 27 of the Act of 1855 so as to empower societies formed prior to 1850 to alter their rules, when their rules do not contain any such power: *Souter v. Davies*, 15 R. 261.

As to the annual returns of societies established under former Acts, see note to s. 27.

Friendly Societies Discharge Act, 1854.

This section does not affect societies affected by the Friendly Societies Discharge Act, 1854 (17 & 18 Vict. c. 56), which relates to and includes such friendly societies only as grant and effect policies

of assurance payable at death exceeding the sum of £1000, which after the passing of that Act ceased to be friendly societies, or to be affected by any future Acts relating to friendly societies, though still subject to some of the provisions of the previous Acts.

ss. 101,
102, 103.
—
Applica-
tion of Act.
—

A policy effected prior to August 15, 1850, for an amount exceeding the limit fixed by the Act, and kept on foot subsequently is good, and payment of the full sum assured may be enforced: *Re Owen*, 31 Beav. 285.

102. In the application of this Act to Scotland:—

The expression “land” shall include heritable subjects of whatever description;

Applica-
tion to
Scotland.

The expressions “court of summary jurisdiction” and “county court” shall mean the sheriff court of the county;

The expression “administration” shall mean confirmation;

The expression “misdemeanor” shall mean crime and offence.

103. This Act shall apply to the Isle of Man as if it were part of England, subject to the following variations:—

Applica-
tion to the
Isle of
Man.

(1.) The expressions “Supreme Court” and “county court” shall respectively mean the Chancery Division of the High Court of the said isle, in which court the proceedings under this Act may be regulated by rules and orders to be made in that behalf by the court, and, until otherwise provided, shall be regulated according to the ordinary practice of that court:

(2.) The expression “the Companies Acts 1862 to 1890” shall mean the law for the time being in force in the said isle for the regulating and winding up of companies:

(3.) The expression “Summary Jurisdiction Acts” shall mean the laws for the time being in force in the said isle for regulating the exercise of summary jurisdiction by justices of the peace:

(4.) All offences and fines under this Act shall be prosecuted and recovered summarily before a high bailiff or two justices of the peace at the suit or instance, except in the case of a complaint under section eighty-seven of this Act, of a registrar or of a head constable, and a misdemeanor under this Act shall be punishable by fine or imprisonment:

SS. 103,
104.

*Applica-
tion of Act*

(5.) All fines recovered under this Act shall be paid to the treasurer of the said isle, and be added to the general revenue of the said isle :

(6.) A person may appeal from any order or conviction to be made in a case of summary jurisdiction under this Act in the manner prescribed by the law in force in the said isle as to appeals in cases of summary jurisdiction.

With respect to the Isle of Man, when any sum of money becomes payable on the death of a person entitled to make a nomination, such sum shall, in default of any direction or nomination as contemplated in s. 56, be paid to the deceased member's legal representative, according to the law of the island in which such deceased member was domiciled : s. 105. See also notes to ss. 57 (3) and 59.

*Applica-
tion to
Channel
Islands.*

104. This Act shall apply to the Channel Islands as if they were part of England, subject to the following variations :—

(1.) As respects the Island of Jersey :

(a.) The expression “county court” shall mean the court for the recovery of petty debts, in all cases in which the claim or demand shall not exceed the sum of ten pounds sterling, and in other cases the inferior number of the Royal Court of the said island, composed of the bailiff and two jurats of the said court :

(b.) The expression “court of summary jurisdiction” shall have in civil cases the same meaning as the expression county court :

(c.) All misdemeanors under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the law and custom of the said island with respect to crimes and offences (*crimes et délits*) :

(d.) All other offences and all fines under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all cases of his competency, at the suit or instance, except in the case of a complaint under section eighty-seven of this Act, of the constable of the parish in which the offence or other unlawful act has been committed, and in all other cases before

the bailiff and two jurats of the Royal Court, at the suit or instance (except as aforesaid) of Her Majesty's Procurator General for the said island :

S. 104.
*Applica-
tion of Act.*

- (e.) All fines recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver General in the said island on behalf of the Crown :
- (f.) All proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary practice of those courts respectively, and all fines shall in default of payment be enforced in the same manner as fines payable to the Crown in the said island :
- (g.) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act :
- (h.) The expression "the Companies Acts, 1862 to 1890," shall mean the law for the time being in force in the said island for the formation, regulation, and winding up of companies :
- (i.) All friendly societies and branches within the bailiwick of the said island may invest any part of their funds in any of the public funds under the guarantee of the states of the said island.
- (2.) As respects the bailiwick of the Island of Guernsey :
- (a.) The Court of Primary Instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on courts of summary jurisdiction or on county courts in England : Provided that a sentence may be appealed from, if the case admits of an appeal under the Orders in Council now in force within the bailiwick, but that the decision of the Royal Court when sitting in a body as a court of appeal shall be final :

SS. 104,
105.

*Applica-
tion of Act.*

(b.) All friendly societies and branches within the bailiwick shall be authorised to invest any part of their funds in the state bonds either of Guernsey or of Alderney :

(c.) The expression “the Companies Acts, 1862 to 1890” shall mean the law for the time being in force in the said bailiwick for the regulation and winding up of companies :

(d.) All the offences and fines under this Act shall be prosecuted and recovered summarily before the court of primary jurisdiction at the suit or instance, except in the case of a complaint under section eighty-seven of this Act, of the law officers of the Crown or of a constable of a parish :

(e.) All fines recovered under this Act shall be paid to the Receiver General, to be by him carried to the account of the Crown Revenue.

S. 53 of the Act does not apply to Jersey.

As respects the Channel Islands, when a sum of money becomes payable on the death of a person entitled to make a nomination, such sum shall, in default of any direction or nomination under s. 56, be paid to the deceased member’s legal representative, according to the law of the island in which such deceased member was domiciled : s. 105. See also notes to ss. 57 (3) and 59.

Subs. (1) (i) is new, but corresponds with the similar provision which was made for Guernsey by the F.S.A., 1875.

Payment
to repre-
sentatives
in Channel
Islands
and Isle of
Man.

105. As respects the Channel Islands and the Isle of Man, when any sum of money becomes payable on the death of a person entitled to make a nomination under this Act that sum shall, in default of any such nomination, be paid to the deceased member’s legal representative, according to the law of the island in which that deceased member was domiciled.

S. 106.

Supplemental.

*Supple-
mental.*

106. In this Act, unless a contrary intention appears :
The expression “the registrar” shall mean for England the central office, and for Scotland or Ireland the assistant registrar for Scotland or Ireland :

Defini-
tions.

The expression "land" shall include any interest in land: S. 106.

"Land" in every Act passed after 1850, unless the contrary intention appears, includes messuages, tenements and hereditaments, houses and buildings of any tenure: Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 3. *Supple-
mental.*

The expression "property" shall extend to all property whether real or personal (including books and papers):

The expression "registered society" shall mean a society registered under this Act, and shall include societies subsisting at the commencement of this Act to which the provisions of this Act apply:

"Registered society," see ss. 8 and 101.

The expression "amendment of rule" shall include a new rule, and a resolution rescinding a rule:

As to the distinction between a partial and complete amendment of rules, see p. 32.

The expression "branch" shall mean any number of the members of a society, under the control of a central body, having a separate fund, administered by themselves or by a committee or officers appointed by themselves, and bound to contribute to a fund under the control of a central body:

The expression "committee" shall mean the committee of management or other directing body of a society or branch:

The expression "persons claiming through a member" shall include the nominees of the member where nomination is allowed:

The expression "officer" shall include any trustee, treasurer, secretary, or member of the committee of management of a society or branch, or person appointed by the society or branch to sue and be sued on its behalf:

The expression "meeting" shall include (where the rules of a society or branch so allow) a meeting of delegates appointed by members:

ss. 106,
107, 108,
109.

*Supple-
mental.*

The expression "gazette" shall mean the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland :

The expression "Treasury regulations" shall mean any regulations made and approved by the Treasury and in force under this Act.

Singular
includes
plural, etc.

In Acts of Parliament passed after 1850, unless the contrary intention appears, masculine includes feminine, singular includes plural, and plural includes singular, and month means calendar month : Interpretation Act, 1889 (52 & 53 Vict. c. 63), ss. 1, 3.

Repeal.

107. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Com-
mence-
ment and
extent of
Act.

108. This Act shall come into operation on the first day of January next after passing thereof and shall extend to the whole of the British Islands.

The expression "British Islands" means the United Kingdom, the Channel Islands, and the Isle of Man : Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 18 (1).

Short title.

109. This Act may be cited as the Friendly Societies Act, 1896.

SCHEDULES.

s. 9 (3).

THE FIRST SCHEDULE.

MATTERS TO BE PROVIDED FOR BY THE RULES OF SOCIETIES
REGISTERED UNDER THIS ACT.

1. The name and place of office of the society.
2. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member, and the consequences of nonpayment of any subscription or fine.

3. The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules.

4. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees, and in the case of a society with branches, the composition and powers of the central body, and the conditions under which a branch may secede from the society.

5. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.

6. Annual returns to the registrar of the receipts, funds, effects, and expenditure, and numbers of members, of the society.

7. The inspection of the books of the society by every person having an interest in the funds of the society.

8. The manner in which disputes shall be settled.

9. In case of dividing societies, a provision for meeting all claims upon the society existing at the time of division before any such division takes place.

And also in the case of friendly and cattle insurance societies :—

10. The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof.

11. (Except as to cattle insurance societies) a valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.

12. The voluntary dissolution of the society by consent in a friendly society of not less than five-sixths in value of the members, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for; and in a cattle insurance society by consent of three-fourths in number of the members.

13. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the chief registrar, or in case

sch. I. of societies registered and doing business exclusively in Scotland or Ireland to the assistant registrar for Scotland or Ireland, for an investigation of the affairs of the society, or for winding up the same.

Objects. A society cannot have any object other than those specified, nor can its purposes go beyond those in the Act, s. 8; and the funds cannot be applied to other purposes than those expressed in the rules. Where the rules provided for relief for every member falling sick, lame, or blind, or being otherwise disabled from work, it was held that a member who was unable to work merely from old age without any illness had no title to relief: *Dunkley v. Harrison*, 51 J. P. 788.

Admission. The terms of admission should state limits of age (if any), qualification, etc., for admission.

Fines. The words "and the consequences . . . fine" were added by the F.S.A., 1895. The fines must be reasonable, otherwise they cannot be enforced: *Lovejoy v. Mulkern*, 1877, W. N. 74, 127; and no fines can be enforced except those specified in the rules; they can, however, be recovered in a court of summary jurisdiction: s. 91 (1).

An injunction was granted restraining payments by a society whose rules were framed on erroneous principles tending to exhaust its funds: *Reeve v. Parkins*, 2 J. & W. 390.

Meetings. The Act does not prescribe the frequency of nor the intervals at which meetings are to be held, except in the case of collecting societies, which must hold at least one meeting in every year: C.S.A., s. 5 (1); but the rule must provide for sufficient meetings to enable the business of the society to be effectively carried on, or the registrar will not allow it to be registered.

The place of meeting and notices necessary to convene it, the appointment of a chairman, the limits to the right of voting (if any), the use of proxies (if allowed), the number requisite for a quorum, proceedings in cases of equality of votes or for adjourning meeting, are matters for which the rules should also provide.

Officers. The appointment and removal of a secretary and two auditors, s. 26, persons to sue and be sued (if intended), and other officers (if desired) should also be provided for. A mandamus would not lie to reinstate an officer who had been dismissed by resolution of a general meeting of a society: *Evans v. Heart of Oak Benefit Society*, 12 Jur. N.S. 163.

An agreement with a promoter of a society that persons whom he induced the society to appoint as officers should pay him a sum of money is a corrupt agreement and not enforceable: *Starr v. Wall*, 6 T. L. R. 108.

By the rules of a friendly society enrolled under the 10 Geo. 4, c. 56, the power of electing a treasurer and other officers was vested in a committee of *eleven*. At a meeting of the committee, at which *ten* of the members only were present—the eleventh not having received

notice—the defendant, the former treasurer, was removed, and the plaintiff appointed in his stead, by a majority of votes. Held that the election was void, although the absent committee-man had for a considerable period ceased to attend the meetings, and had intimated an intention not to attend any more, and although the defendant himself had demanded a poll: *Roberts v. Price*, 4 C. B. 231.

Sch. I.

In the case of a society with branches, the rules must define what Branches. funds are under the control of the central body and the branches respectively: s. 29.

One of the rules of a benefit society empowered the committee to meet “for the purpose of examining candidates for admission and to settle and determine any matter relating to the breach or non-observance of the articles of the society by any of its members and their exclusion in consequence thereof, and to settle and determine any other matter or thing relating to the society, subject nevertheless to the confirmation of the society at their next quarterly meeting.” It was held that the latter words were to be considered in conjunction with and as qualified by the preceding portion of the rule, and did not authorise the committee to enter into a contract which was in violation of the other rules of the society: *Tyrrell v. Woolley*, 1 M. & G. 809; cf. *Garner v. Shelley*, 5 Bing. 477.

THE SECOND SCHEDULE.

S. 98.

FORMS.

PART I.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The Society is registered as a [*friendly society, cattle insurance society, benevolent society, working men's club, or specially authorised society*] under the Friendly Societies Act, 1896, this day of

[*Seal or stamp of central office, or signature of Assistant Registrar for Scotland or Ireland.*]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the Society is registered under the Friendly Societies Act, 1896, this day of

[*Seal or stamp of central office, or signature of Assistant Registrar for Scotland or Ireland.*]

Sch. II.

PART II.

ACKNOWLEDGMENT OF REGISTRY OF BRANCH.

The is registered as a branch of the
 Society [and of the branch of the same] under the
 Friendly Societies Act, 1896, this day of
 [Seal of central office, or signature of Assistant
 Registrar for Scotland or Ireland.]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF BRANCH
RULES.

The foregoing amendment of the branch rules of the
 is registered under the Friendly Societies Act, 1896,
 this day of
 [Seal of central office or signature of Assistant
 Registrar for Scotland or Ireland.]

PART III.

FORM OF BOND.

(1.)—In England or Ireland.

Know all men by these presents, that we, *A.B.* of ,
 one of the officers of the Society [or of the
 branch of the Society] having its registered office at
 , in the county of , and *C.D.* of (as
 surety on behalf of the said *A.B.*), are jointly and severally
 held and firmly bound to *E.F.* of , *G.H.* of ,
 and *I.K.* of , the trustees of the said society [or
 branch], in the sum of to be paid to the said *E.F.*,
G.H., and *I.K.*, as such trustees or their successors, trustees
 for the time being, or their certain attorney; for which pay-
 ment well and truly to be made we jointly and severally bind
 ourselves, and each of us by himself our and each of our
 heirs, executors, and administrators, firmly by these presents.
 Sealed with our seals. Dated the day of
 in the year of our Lord

Whereas the above-bounden *A.B.* has been duly appointed
 to the office of of the Society [or of
 branch of the Society] having its registered

office situate as aforesaid, and he, together with the above-bounden *C.D.* as his surety, have entered into the above-written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said *A.B.* do render a just and true account of all moneys received and paid by him on account of the said society [*or branch*], at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society [*or branch*] in his hands or custody to such person or persons as the said society [*or branch*], or the trustees or committee of management thereof, shall appoint, according to the rules of the said society [*or branch*], together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, otherwise shall remain in full force.

Sch. II.
—

Sealed and delivered in the presence of

[*two witnesses.*]

(2.)—In Scotland.

I, *A.B.* of _____, hereby bind and oblige myself, to the extent of £ _____ at most, as caution and surety for *C.D.*, a person employed by the _____ Society [*or the branch of the _____ Society*], that he, the said *C.D.*, shall on demand faithfully and truly account for all moneys received and paid to him for behoof of the said society [*or branch*], and also assign and transfer or deliver all property (including books and papers) belonging to the said society [*or branch*] in his hands or custody, and that to such person or persons as the said society [*or branch*], or the trustees thereof shall appoint, according to the rules of the said society [*or branch*].

Dated at _____ this _____ day of _____

*Signature of Cautioner.**E. F. of witness.**G. H. of witness.*

The above bond shall not require a testing clause or subscription clause, and may be wholly printed, or partly written and partly printed.

Sch. II. FORM OF RECEIPT TO BE ENDORSED ON MORTGAGE OR FURTHER CHARGE.

In England or Ireland.

The trustees of the Society [or the branch
of the Society] hereby acknowledge to have received
all moneys intended to be secured by the within [or above]
written deed.

Signed [Signatures of Trustees]
Trustees.

Countersigned [Signature of Secretary]
Secretary.

S. 107.

THE THIRD SCHEDULE.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
38 & 39 Vict. c. 60.	The Friendly Societies Act, 1875.	The whole Act, except so far as it relates to societies to which section thirty applies and to industrial assurance companies.
46 & 47 Vict. c. 47.	The Provident Nominations and Small Intestacies Act, 1883.	So much as relates to registered societies.
50 & 51 Vict. c. 56.	The Friendly Societies Act, 1887.	The whole Act, except in section two so much as relates to section thirty of the Friendly Societies Act, 1875, and subsection two of section eight, subsection four of section nine, and sections twelve and eighteen.
51 & 52 Vict. c. 15.	The National Debt (Supplemental) Act, 1888.	Section six.
56 & 57 Vict. c. 30.	The Friendly Societies Act, 1893.	The whole Act.
58 & 59 Vict. c. 26.	The Friendly Societies Act, 1895.	The whole Act, except sections fifteen and nineteen.

THE COLLECTING SOCIETIES AND INDUSTRIAL ASSURANCE COMPANIES ACT, 1896.

59 & 60 VICT. c. 26.

An Act to consolidate the Enactments relating to Friendly Societies and Industrial Assurance Companies which receive Contributions and Premiums by means of Collectors. [7th August, 1896.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act shall apply to every such—

(a) friendly society or branch, whether registered or unregistered (in this Act referred to as a collecting society); and

(b) person or body of persons, whether corporate or unincorporate, granting assurances on any one life for a less sum than twenty pounds (in this Act referred to as an industrial assurance company),

as receives contributions or premiums by means of collectors at a greater distance than ten miles from the registered office or principal place of business of the society or company, and, in the case of an industrial assurance company, at less periodical intervals than two months :

Provided that nothing in this Act shall, except as expressly provided thereby, apply to any assurance with an industrial assurance company the premiums in respect of which are receivable at greater periodical intervals than two months.

S. 1.

Applica-
tion of
Act.

SS. 1, 2, 3. The Act extends to unregistered branches, although s. 30 of the F.S.A., 1875, extended in terms to registered branches only.

Friendly societies to which the provisions of this Act extend are subject also to the provisions of the F.S.A.

The chief registrar has power to except certain societies from the operation of this Act: s. 11.

As to the definition of "collector," see s. 17.

In the measurement of any distance for the purposes of any Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane: Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 34. The ten miles limit must therefore be measured "as the crow flies."

The class of industrial assurance companies is limited by requiring that they shall be companies assuring the payment of sums of less than £20, the premiums on which are collected at less periodical intervals than two months, and it is only to this class of business that the Act applies.

The provisions relating to the limit of ten miles, and to assurances the premiums in respect of which are receivable at greater periodical intervals than two months, do not apply to s. 13.

Copies of
rules and
policies.

2.—(1.) A collecting society shall deliver to every person, on his becoming a member of or insuring with the society, a copy of the rules of the society, together with a printed policy signed by two of the committee and by the secretary, at a price not exceeding one penny for the rules and one penny for the policy.

(2.) In the case of a family enrolled in one book or card, one copy of rules and one family policy shall be sufficient.

In the application of this Act to industrial assurance companies and unregistered collecting societies, the memorandum and articles of association and any laws or regulations shall be included in the term "rules"; the directors or other managing body shall be included in the term "committee": T. R. 74, see also F.S.A., s. 38. Failure to deliver a copy of the rules or a policy at the price fixed, or delivery of an improper policy, are offences under the Act.

For the definition of "committee," see F.S.A., s. 106.

Notice
before
forfeiture.

3. A forfeiture shall not be incurred by any member or person insured in a collecting society or industrial assurance company by reason of any default in paying any contribution until after—

(a) notice stating the amount due by him, and inform-

ing him that in case of default of payment by him within a reasonable time, not being less than fourteen days, and at a place to be specified in the notice, his interest or benefit will be forfeited, has been served upon him by or on behalf of the society or company ; and

(b) default has been made by him in paying his contribution in accordance with that notice.

The effect is, that a member, however much in arrear, must be given the statutory notice, and allowed fourteen days to pay up his arrears, before he can be excluded from the society, and his benefit forfeited. For the manner of serving such notice, see s. 16.

A rule of a society incorporated the corresponding provision of the F.S.A., 1875, and provided that a member changing his residence should inform the collector, and if he became in arrear, in consequence of neglect to give such information, he should forfeit all claim to benefit. A member, who had to contribute for twenty-six weeks to obtain a benefit, contributed for eleven weeks and then changed his residence ; the collector did not call, and no further contributions were made ; when he died, more than twenty-six weeks after commencing to contribute, his widow claimed the benefit she would have been entitled to had the payments been continued, and that she was entitled to be relieved against forfeiture, but it was held that the alleged default of the society could not put the claimant in a better position than she would otherwise have been through non-payment of the necessary number of contributions, which was the only condition upon which the right to a benefit could arise: *Taylor v. Collins*, 46 L. T. N.S. 168.

4.—(1.) A member of or person insured with a collecting society or industrial assurance company shall not, except in the case of—

Transfers
without
written
consent.

(a) as respects a collecting society, an amalgamation transfer of engagements or conversion into a company under the Friendly Societies Act, 1896 ; or

59 & 60
Vict. c. 25.

(b) as respects an industrial assurance company, an amalgamation or transfer of business under the Life Assurance Companies Acts, 1870 to 1872,

33 & 34
Vict. c. 61.
34 & 35

become or be made a member of or be insured with any other such society or company without his written consent, or, in the case of an infant, without the consent of his father or other guardian.

Vict. c. 58.
35 & 36
Vict. c. 42.

SS. 4, 5.

(2.) The society or company to which the member or person is sought to be transferred shall, within seven days from his application for admission to that society or company, give notice thereof in writing to the society or company from which he is sought to be transferred.

The provisions as to amalgamation, transfer of engagements, and conversion are contained in the F.S.A., ss. 70-72.

The amalgamation or transfer of business of an industrial assurance company under the Life Assurance Companies Act, 1870 (33 & 34 Vict. c. 61), s. 14, must be sanctioned by the Chancery Division of the High Court; and such sanction is to be withheld if policy holders, representing one-tenth or more of the amount insured, dissent; the Life Assurance Companies Act, 1872 (35 & 36 Vict. c. 42), s. 7, contains regulations as to novations by policy-holders.

In both the above cases the consent of the members or policy-holders is properly provided for by the enactments specified, in all other cases they are regulated by this section.

Attempting to transfer without the proper consent, and failure to give the required notices are offences under the Act: s. 14.

A charge against an agent of a society that he had "attempted to transfer" certain members of the A society to the B society "without their written consent," there being no further specification of facts, was held to be a relevant charge of a contravention of the statute: *Mackintosh v. Metcalfe*, 13 Rett. (Just. Ca.) 96.

The canvassers of an assurance society obtained requests for transfers to the society they represented from the wives of three men insured in another friendly society, and papers were thereafter given in exchange for the requests. The husbands when made aware of what their wives had done approved thereof, and remained in the new company in two cases, and in the third case the husband made one payment to the new company and then withdrew. It was held, reversing the decision of the sheriff-substitute, that the Act had been contravened: *Refuge Assurance Co. v. Hannan*, 2 White, 373.

Notice to the society or company should be sent to the registered office: see F.S.A., s. 24.

General
meetings.

5.—(1.) At least one general meeting of every collecting society and industrial assurance company shall be held in every year.

(2.) Except where the day, hour, and place of an annual or other periodical meeting is fixed by the rules, notice of every general meeting shall either be given by the society or company to the members by advertisement to be published at least twice in two or more of the newspapers

in general circulation in every county where the society or company carries on business, or be served upon every member. ss. 5, 6.

(3.) The notice shall specify the day, hour, and place, and the objects of the meeting, and in case any amendment of a rule is intended to be proposed shall contain a copy of every such amendment.

(4.) The society or company shall publish the last of such advertisements, or serve such notice as aforesaid, at least fourteen days before the day appointed for the meeting, and shall during those fourteen days keep a copy of the notice in legible characters affixed in some conspicuous place in or outside every office at which the business of the society or company is carried on.

(5.) For the purposes of this section the several ridings of the county of York, the several Channel Islands, and the Isle of Man respectively, shall be deemed to be counties.

“Every year” must mean “every calendar year,” i.e. the period of time commencing on the 1st of January and ending on the 31st of December, and not the period of twelve months from the registration of the society or company: cf. *Gibson v. Barton*, L. R. 10 Q. B. 329.

If the particulars of the annual or periodical meeting are specified in the rules, each member has notice of them, as by s. 2 he must have a copy of the rules.

“County” includes a county of a city and a county of a town, and in Scotland any stewartry: Interpretation Act, 1889 (52 & 53 Vict. c. 63), ss. 4, 7.

As to notices served upon members, see s. 16.

“Fourteen days” means fourteen clear days between publication or service of the notice and the date of the meeting.

6.—(1.) A copy of every balance sheet of a collecting society shall, during the seven days next preceding the meeting at which the balance sheet is to be presented, be kept open by the society for inspection at every office at which the business of the society is carried on, and shall be delivered or sent by post to every member on demand. Balance sheets and annual returns.

(2.) The annual returns required to be sent to the registrar under the Friendly Societies Act, 1896, shall,



SS. 6, 7, 8. in the case of a collecting society, be certified by some person not an officer of the society (otherwise than as auditor thereof) carrying on publicly the business of an accountant, and if not so certified shall be deemed not to have been made.

The annual return of a collecting society is made on return form C. As to annual returns, see F.S.A., ss. 27, 84, 98 (3).

As to auditors, see p. 165.

Disputes. **7.** In all disputes between a collecting society or industrial assurance company and any member or person insured, or any person claiming through a member or person insured, or under the rules, that member or person may, notwithstanding any provisions of the rules of the society or company to the contrary, apply to the county court, or to the court of summary jurisdiction for the place where that member or other person resides, and the court may settle that dispute according to the provisions of the Friendly Societies Act, 1896.

In the case of an unregistered society, the right of appeal to a county court or court of summary jurisdiction overrides any rules of the society to the contrary: *Knowles v. Booth*, 32 W. R. 432.

The jurisdiction by this section conferred on the county court does not exclude the jurisdiction of the High Court: *Re Royal Liver Friendly Society* [1886], 35 C. D. 332; but it is excluded if the rules provide that disputes shall be settled in the manner provided by this section, and not otherwise: *Re Royal Liver Friendly Society* (*Times*, November 16, 1895).

As to the nature of the proceedings under this section, see F.S.A., s. 68, and the county court rules there cited.

The justices have no jurisdiction in a dispute where the plaintiff claims through a person who purports to be insured in a society under what has proved to be a void policy: *Ex p. Yorkshire Provident Industrial Assurance Co.*, 58 J. P. 798; cf. *Sinden v. Bankes*, 30 L. J. Q. B. 102; nor where the question in dispute is the lawfulness of the expulsion of a member: *Fowler v. Royal Liver Friendly Society*, 102 L. T. 394.

Disabilities of collector.

8. A collector of a collecting society or industrial assurance company shall not, whilst he is such, be capable of—

(a) being a member of the committee; or

(b) holding any other office in the society or company except that of superintending collectors within a specified area; or ss. 8, 9,
10, 11.

(c) voting at or taking part in the proceedings of any meeting of the society or company.

For definition of "committee," see F.S.A., s. 106.

9. In the case of any collecting society registered after the thirty-first day of December one thousand eight hundred and ninety-five, the last words in the name of the society shall be "collecting society." Name of
collecting
societies.

This provision was added by the F.S.A., 1895; it is in accordance with the spirit of the Acts that the names of societies should as far as possible indicate their nature: cf. F.S.A., s. 10.

10. The foregoing provisions of this Act shall be set forth in the rules of every collecting society and, where applicable, of every industrial assurance company established after the thirty-first day of December one thousand eight hundred and seventy-five. Foregoing
provisions
to be con-
tained in
rules.

The rules of a collecting society established before the 1st of January, 1876, so far as they are contrary to the provisions of this section, are invalid: F.S.A., s. 101.

The paragraph reproduced by this section excepts industrial assurance companies from the provisions which are now contained in ss. 2 and 6, but as the law now stands, these provisions, if applicable to these companies, will apply to them as well as collecting societies, subject, however, to the qualification contained in s. 1.

11.—(1.) The chief registrar may, on the application of a collecting society registered or applying for registry, with the approval in each case of the Treasury, grant to the society a certificate of exemption from the foregoing provisions of this Act, in any case in which he is of opinion that the society is not one to which those provisions ought to apply. Exemp-
tion from
foregoing
provisions.

(2.) The certificate shall be subject to revocation by the chief registrar, with the approval in each case of the Treasury, but shall remain in force until so revoked, and until notice of the revocation has been advertised in the London Gazette and in some newspaper in general

ss. 11, 12, 13. circulation in the neighbourhood of the registered office of the society, and also transmitted by a registered letter to the society.

(3.) So long as the certificate is in force the society shall be subject to all the provisions and entitled to all the privileges of the Friendly Societies Act, 1896, as if it were a friendly society not receiving contributions by means of collectors at a greater distance than ten miles from the registered office.

59 & 60
Vict. c. 25.

This section is necessary in consequence of the decision in *Joyce v. Northumberland Miners' Friendly Society* (4 T. L. R. 525), which extended the meaning of the word "collector" in the Act, and thus included in the provisions of ss. 2-10 of this Act many societies which do not properly belong to the group of collecting societies proper, to which this legislation was intended to apply. The power thus conferred on the chief registrar is a beneficial one, by enabling him to exempt the societies from the burden of the provisions which are not properly applicable to them.

By the direction of the Treasury the applications for the approval of the certificates are to be only periodically submitted: R. C. R. (1889) 53.

Inspectors,
special
meetings,
and disso-
lution of
collecting
societies.

12. The provisions of section seventy-six and sections seventy-eight to eighty-three of the Friendly Societies Act, 1896, relating to the appointment of inspectors, the calling of special meetings, and the dissolution of registered societies, shall apply to every collecting society, and in the case of a society having branches shall so apply without the consent of the central body of the society.

Assur-
ances
on chil-
dren's lives
by indus-
trial assur-
ance com-
panies.

13.—(1.) The provisions of sections sixty-two to sixty-seven and section eighty-four of the Friendly Societies Act, 1896, relating to payments on the death of children, shall extend to industrial assurance companies, as if the word society where used in those sections included all industrial companies assuring the payment of money on the death of children under the age of ten years.

(2.) An assurance made, or to be made by an industrial assurance company, of a sum of money payable on the death of a child under the age of ten years, which would be valid if effected with a registered society, shall not be

invalidated by reason of any provision contained in the **ss. 13, 14**
Life Assurance Act, 1774.

**14 Geo. 3,
 c. 48.**

(3.) The provisions of this section shall extend to industrial assurance companies which do not receive premiums by means of collectors at a greater distance than ten miles from their principal place of business, and to assurances with any such company the premiums in respect of which are receivable at greater periodical intervals than two months.

As to the definition of industrial assurance society, see s. 1. A society registered under the Companies Acts provided, by its memorandum and articles of association, that members who paid subscriptions fortnightly to the collectors of the society were to be entitled to receive certain sick pay and sums for funeral expenses incurred on the death of their children, and a subscription card was to be issued to each member on which the collectors entered the contributions received from time to time: such a society was held to be within s. 30 of the F.S.A., 1875: *Newbold Friendly Society v. Barlow*, 1893, 2 Q. B. 128; the definition in s. 1 is now framed so as to include such a society without question.

The Life Assurance Act, 1774 (14 Geo. 3, c. 48), which was extended to Ireland by 29 & 30 Vict. c. 42, s. 1, provided (1) that no insurance should be made by any person on any life in which he had no interest; (2) that no policy should be granted without inserting the names of persons benefiting thereunder; (3) that in cases of an interest in a life the amount to be recovered should not exceed that interest. The members of an industrial assurance company have the privilege, under this Act, of legally insuring lives of children for funeral expenses without having a legally insurable interest; whereas such insurances in a society not falling within this section are void under the Act of 14 Geo. 3, c. 48, unless the insurer has an insurable interest. As to what constitutes an insurable interest, see note to F.S.A., s. 67.

This section only applies to child assurance; a son who effects a policy on his father's life, in which he has no insurable interest, cannot claim the benefit of the policy for himself or recover back the premiums paid: *Howard v. Refuge Friendly Society*, 54 L. T. N.S. 644.

Subs. 3 extends these provisions, *i.e.* those governing child insurance, to all industrial assurance companies, whether for the purposes of friendly society legislation they come within this Act or not.

14.—(1.) It shall be an offence under this Act if— **Offences.**

(a) a collector of a collecting society or industrial assurance company becomes a member of the committee,

SS. 14, 15,
16.

or holds any other office (except as in this Act provided) in the society or company, or a member of the committee becomes a collector, or a collector votes at or takes part in the proceedings of a general meeting ;

(b) a person attempts to transfer a member or person insured from one collecting society or industrial assurance company to another without such written consent as is by this Act required ;

(c) a collecting society or industrial assurance company to which a member or person is sought to be transferred fails to give such notice as is by this Act required.

(2.) The provisions of the Friendly Societies Act, 1896, with respect to offences under that Act and the procedure relating thereto, shall apply in the case of offences under this Act, and as so applied shall extend to unregistered collecting societies and industrial assurance companies as if they were registered societies.

The exception in subs. (1) (a) refers to the office of superintending collectors within a specified area : see s. 8 (b).

For the provisions as to offences, see ss. 84-96 of F.S.A.

Fine for
falsifica-
tion.

15. If any person wilfully makes, orders, or allows to be made any entry, erasure in, or omission from a contribution or collecting book, with intent to falsify that book, or to evade any of the provisions of this Act, he shall be liable to a fine not exceeding fifty pounds recoverable at the suit of the chief or any assistant registrar, or of any person aggrieved.

Notices.

16. Where any notice is required by this Act to be served upon any member or other person, the notice shall be in writing, and either delivered or sent by post to him, or, in the case of a notice of default, left at his last known place of abode.

Meaning
of service
by post.

Service by post of a document is to be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post : Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 26.

Proof that a letter properly directed has been put into the post-office or delivered to the postman (*Skilbeck v. Garbett*, 7 Q. B. 846),

raises the presumption, from the known course of business in that department of the public service, that it reached its destination at the regular time, and was received by the person to whom it was addressed: *Wall's Case*, L. R. 15 Eq. 18; *Re Hickey*, I. R. 10 Eq. 117. This presumption, which in most cases furnishes mere *prima facie* proof, is thus rendered conclusive in the case of notices under this section. SS. 16, 17.

As to what is a "proper direction," it has been held that "Mr. Address. Haynes, Bristol," is insufficient to raise the presumption above referred to: *Walter v. Haynes*, Ry. & M. 149.

When a witness produced a copy of a letter which he said was Posting. made by him, and swore that he should in the ordinary course of business have posted the original, it was held that this was evidence of posting: *Trotter v. Maclean*, 13 C. D. 574.

In order to prove service of a notice by letter through the post, Prepay- it is necessary to show that the letter was "prepaid," and an affidavit ment. containing no statement to that effect is insufficient as evidence of service: cf. *Walthamstow Urban District Council v. Henwood*, 1897, 1 Ch. 41.

17.—(1.) In this Act, unless the context otherwise Interpre-
tation requires,—

The expression "collector" shall include every paid officer, agent, or person, howsoever remunerated, who, by himself or by any deputy or substitute, collects contributions for a collecting society or industrial assurance company, or holds any interest in a collecting book thereof, but shall not include—

- (a) the secretary or other officer of a branch of a society who receives contributions on behalf of the society or of any other branch thereof; or
- (b) any officer appointed to superintend and receive moneys from collectors within a specified area, not being himself a collector; or
- (c) any agent appointed and remunerated by members, and not under the control of the society or company, or of any officer thereof.

Other expressions have the same meaning as in the Friendly Societies Act, 1896.

A cashier of a colliery, an employé of the owner, in making out the Collector. "pay checks" for the men, deducted the amount of each man's subscription for a friendly society, the subscriptions being paid by the colliery owner to the society who remunerated the cashier. It was

ss. 17, 18, held that the cashier was a collector within the meaning of the Act :
 19, 20. *Joyce v. Northumberland Miners' Friendly Society*, 4 T. L. R. 525.
 — The result of this decision was to bring within the scope of the provisions of this Act several societies, chiefly miners' societies, a result not the intention of the Act ; in consequence, s. 11 was passed which enables the registrar to exempt societies from these provisions in certain cases.

(2.) The power of the Treasury to make regulations for carrying the Friendly Societies Act, 1896, into effect shall extend to the making of regulations for carrying this Act into effect.

As to the making of regulations, see F.S.A., s. 99.

(3.) The application of this Act to Scotland, the Isle of Man, and the Channel Islands shall be subject to the same modifications as are expressed in the Friendly Societies Act, 1896, with respect to the application of that Act.

See the F.S.A., ss. 102–105.

Repeals. 18. The Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Com- 19. This Act shall come into operation on the first day
 mence- of January next after the passing thereof, and shall
 ment and extend to the whole of the British Islands.
 extent of Act.

Short title and construction. 20. This Act may be cited as the Collecting Societies and Industrial Assurance Companies Act, 1896.

[sic]

SCHEDULE.

Session and Chapter.	Short Title.	Extent of Repeal.
38 & 39 Vict. c. 60.	The Friendly Societies Act, 1875.	The whole Act so far as it is un-repealed.
50 & 51 Vict. c. 56.	The Friendly Societies Act, 1887.	The whole Act so far as it is un-repealed.
52 & 53 Vict. c. 22.	The Friendly Societies Act, 1889.	The whole Act.
58 & 59 Vict. c. 26.	The Friendly Societies Act, 1895.	The whole Act so far as it is un-repealed.

THE DIVIDED PARISHES AND POOR LAW
AMENDMENT ACT, 1876.

39 & 40 VICT. c. 61.

[15th August, 1876.]

23. Where any pauper shall be entitled to any annuity or periodical payment, the trustee or other person bound to make payment of the same to the pauper may from time to time pay to the board of guardians of any union or parish, out of the instalments which have become due, the cost incurred in the relief of such pauper accrued since the last instalment, and such payment shall be a legal discharge to such trustee or other person for so much money as shall have been so paid.

S. 23.

Trustees
may pay
cost of
pauper's
relief out
of annuity
payable to
such
pauper.

Where the guardians incur any expenses in the relief of a pauper lunatic, being a member of a benefit or friendly society, and as such entitled to receive any payment, they may recover from him, as a debt, or from his executors, administrators, or assigns in case of his death, the sum so expended by them as aforesaid, and the managing body of such society, after notice from the clerk to the guardians, served previously to the money being paid over, shall be required to pay the same to such guardians, and shall be exonerated on payment thereof from any further liability.

Where any trustee, manager, or other person shall decline to make any payment, the guardians may apply to the justices in petty sessions assembled, and such justices may, if satisfied that it is right under all the circumstances to do so, make an order upon him to pay the requisite amounts then due to the guardians at once and to pay from time to time in future as the liability in respect of the relief arises thereafter.

s. 23.

Provided that this clause shall not have effect unless and until the guardians or their relieving officer shall have declared the relief to be given on loan, nor in respect of any relief granted contrary to the rules and orders made under the authority of the statutes in that behalf.

The Poor Law Amendment Act, 1879 (42 Vict. c. 12), enacts that moneys to which a pauper or a pauper lunatic may be entitled, as a member of a friendly or benefit society, shall be applied for the maintenance of his wife or other relative dependent on him, and no claim may be made under 39 & 40 Vict. c. 61, s. 23, by the guardians of the union against the society.

Where the rules of a society provide that when a member becomes an inmate of a workhouse or lunatic asylum the benefit payable to him shall cease, that is a contract between the society and the member which will be enforced, and the guardian's claim is excluded: *Caistor Union v. Cleaver*, 56 J. P. 503.

For the purpose of the guardians recovering payment under 39 & 40 Vict. c. 61, it is immaterial whether the society is registered or not: *Merthyr Tydvil Guardians v. Cambrian Lodge*, 45 J. P. 220. But a trade union is not a friendly or benefit society within 39 & 40 Vict. c. 61, s. 23, so as to give the guardians any claim: *Winder v. Governors and Guardians of Kingston-upon-Hull Corporation for the Poor*, 20 Q. B. D. 412.

Where justices have made an order to pay to the guardians they are bound to issue a distress warrant to enforce it, for it is no defence that the order was invalid or made without jurisdiction; but the trustees ought to have appealed or applied to quash the order: *R. v. Justices of Swindon*, 42 J. P. 407.

The proper, if not the only way of enforcing an order of justices under this Act, would seem to be by indictment: see *R. v. Joyce*, 48 J. P. 471.

THE POOR LAW AMENDMENT ACT, 1879.

42 VICT. c. 12.

An Act to amend the Divided Parishes and Poor Law Amendment Act, 1876. [23rd May, 1879.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The provisions contained in the twenty-third section of the Divided Parishes and Poor Law Amendment Act, 1876, shall not apply to any moneys which a pauper or pauper lunatic having a wife or other relative dependent upon him for maintenance may be entitled to receive as a member of any friendly or benefit society, but such moneys shall, subject to any deductions for keeping up his membership required by the rules of such society, or any branch thereof, from which such pauper or pauper lunatic is entitled to receive such moneys, be paid or applied by the trustees, committee, or other officers of such society or branch to or for the maintenance of such wife or relative ; and where a pauper or pauper lunatic having no wife or relative dependent upon him is entitled to any such moneys, no claim shall be made under the said Act by the guardians of any union or parish upon any such society of which he is a member, or against any branch thereof, for the expenses incurred in his relief, unless and until the guardians or their relieving officer shall have declared the relief to be given on loan, and shall have, within thirty days thereof, notified the same in writing to

S. 1.

The provisions of s. 23 of 39 & 40 Vict. c. 61, not to apply to moneys to which a pauper or pauper lunatic may be entitled as a member of friendly or benefit society.

s3. 1, 2. the secretary or trustees of the society or branch of which the pauper or pauper lunatic is a member, and as such entitled to receive any payment.

Short title. **2.** This Act may be cited as the Poor Law Amendment Act, 1879.

A man is bound to maintain his wife and children (31 & 32 Vict. c. 122, s. 33; 39 & 40 Vict. c. 61, s. 19), and grandparents, parents, and children (43 Eliz. c. 2); and a married woman is under a like liability for the maintenance of her husband, children, and grandchildren (45 & 46 Vict. c. 75, ss. 20, 21). It is probable the words "other relative" are confined to relations which the pauper lunatic is legally bound to maintain, but this is not clear.

The effect of this statute, together with the Act of 1876, is that in order that the guardians may be entitled to receive any moneys which a pauper lunatic is entitled to receive from a friendly society, three conditions must exist: (i.) there must be no wife or other relative dependent on the lunatic; (ii.) the guardians must declare the relief to be given by way of loan *and* give due notice of the declaration; (iii.) the relief must have been duly given in accordance with statute.

But where the pauper's right to the periodical payment was disputed by the persons alleged to be bound to make it, the justices have no power to hear and determine the application, because s. 23 made it a condition precedent to the exercise of the jurisdiction that the right of the pauper to receive the periodical payment should be undisputed: *R. v. Richardson*, 1894, 2 Q. B. 923.

THE POOR LAW LOANS AND RELIEF
(SCOTLAND) ACT, 1886.

49 & 50 VICT. c. 51.

[25th June, 1886.]

4. Any power exercised or claimed by parochial boards to take possession of any property of any one to whom they have given relief shall not apply to any moneys which a pauper or pauper lunatic, having a wife or other relative dependent upon him for maintenance, may be entitled to receive as a member of any friendly or benefit society, but such moneys shall, subject to any deductions for keeping up his membership required by the rules of such society or any branch thereof, from which such pauper or pauper lunatic is entitled to receive such moneys, be paid or applied by the trustees, committee, or other officers of such society or branch to or for the maintenance of such wife or relative.

S. 4.

THE OUTDOOR RELIEF FRIENDLY SOCIETIES ACT, 1894.

57 & 58 VICT. c. 25.

An Act to empower Boards of Guardians to grant Relief to Members of Friendly Societies in Receipt of any Allowances from the same. [20th July, 1894.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

SS. 1, 2, 3.

Outdoor relief to members of friendly societies.

4 & 5 Will.
4. c. 76.

1. Notwithstanding any orders or regulations of the Poor Law Commissioners or the Local Government Board under and by virtue of the Poor Law Amendment Act, 1834, or of any Act amending the said Act, it shall be lawful for any board of guardians, if they think fit, to grant relief out of the poor rates to any person otherwise entitled to such relief, notwithstanding that the said person shall, by reason of his membership of a friendly society, be in receipt of any sum, and that in estimating the amount of the relief that shall be granted to such person being a member of a friendly society as aforesaid, it shall be at the discretion of the board of guardians whether they will or will not take into consideration the amount which may be received by him from such friendly society.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Short title.

3. This Act may be cited as the Outdoor Relief Friendly Societies Act, 1894.

This Act expressly authorises a board of guardians at discretion to grant relief to a person although in the receipt of benefits from a friendly society, a discretion some boards had previously exercised without any express authority.

APPENDIX.

PART I.

AUDIT.

CONDITIONS under which public auditors will hold their appointments under the Friendly Societies Act, 1896, and the Industrial and Provident Societies Act, 1893. **AUDIT.**

1. Public auditors are appointed to act in England and Wales, Scotland, or Ireland. They will not, however, be ranked as public servants, and will have no salaries, nor any claim to pension or gratuity. Nor are they to assume the title of "Government Auditors" or any similar one; but are simply to describe themselves as "Public Auditors under the Friendly Societies Act, 1896, and the Industrial and Provident Societies Act, 1893." Public auditors are not permitted to make use of the Royal Arms.

2. The public auditor is bound to accept for audit (except as hereinafter mentioned) the account of any society within that portion of the United Kingdom for which he is appointed, registered either under the Friendly Societies Acts or the Industrial and Provident Societies Act, which applies to him (the term "society" to include a branch of a society), for the fees hereinafter mentioned, the society complying with the terms of these instructions. But no public auditor can audit the accounts, balance sheet, or annual return of any society of which he is accountant, or any account, balance sheet, or annual return which he has himself prepared.

3. A society desirous of submitting its accounts to a public auditor must forward all the necessary materials to his office or place of residence, in order to save travelling expenses and loss of time. It will be the duty of the auditor, when applied to, to impress this upon the society. He is not bound to leave his office for the purpose of the audit.

4. The society must, at the same time, forward to the auditor the annual return or general statement of the receipts and expenditure, funds and effects of the society, made up in the form for the time

AUDIT being required under the Friendly Societies Act, 1896, or the Industrial and Provident Societies Act, 1893, as the case may be.

5. The auditor is to verify the annual return with the accounts and vouchers relating thereto, and either to sign the same as found by him to be correct, duly vouched, and in accordance with law, or specially to report to the society in what respects he finds it incorrect, unvouched, or not in accordance with law.

6. The work of the auditor will be strictly confined to auditing, but he has under the Acts a right of access to all the books and accounts of the society. In the event of his discovering errors in the annual return, or the books, accounts, or vouchers submitted to him, they are to be returned (at the cost of the society) for correction, unless the auditor be requested by the society to correct the inaccuracies, in which case he is entitled to claim an additional fee, to be arranged between him and the society.

7. The auditor shall, in all cases, make a report to the society upon the accounts and other documents submitted to him, and, in case he has called for explanations or information from the directors or committee of management, he shall state whether such explanations or information have been given, and whether they have been satisfactory.

8. Rates of payment :—

(1.) For auditing the accounts of friendly societies and specially authorised societies granting friendly society benefits, the scale of payment shall be—

	£	s.	d.
For societies consisting of not more than 100 members	1	1	0
For societies with over 100 members, but not exceeding 500 members, in respect of each 100 members or part thereof	1	1	0
For societies consisting of over 500 members, in respect of the first 500 members	5	5	0
With an additional 10s. 6d. in respect of each additional 100 members or part thereof. No fee, however, to exceed £52 10s., unless by special arrangement.			

(2.) For auditing the accounts of all other societies registered under the Friendly Societies Act, viz. cattle insurance societies, benevolent societies, working men's clubs, specially authorised societies (except such as grant friendly society benefits), the scale of payment shall be—

	£	s.	d.
For societies whose total gross receipts do not exceed £2000 per annum	1	1	0

	£	s.	d.	AUDIT.
For societies whose total gross receipts exceed £2000, but do not exceed £10,000 per annum, in respect of each £2000, or fraction thereof	1	1	0	
Where the gross receipts exceed £10,000 per annum, the fee to be fixed by special arrangement.				

(3.) For auditing the accounts of industrial and provident societies the scale of payment shall be—

	£	s.	d.
For societies whose total sales do not exceed £2000 per annum	1	1	0
For societies whose total sales exceed £2000, but do not exceed £10,000 per annum, in respect of each £2000, or fraction thereof	1	1	0
For societies whose total sales exceed £10,000, but do not exceed £25,000 per annum, in respect of the first £10,000	5	5	0
With an additional 10s. 6d. in respect of each additional £2000, or fraction thereof.			

Where the sales exceed £25,000 per annum, the fee to be fixed by special arrangement.

The word “sales,” in the case of societies for the buying and selling of land, to include instalments in repayment of advances.

9. The scales of fees apply to all societies situated within that portion of the United Kingdom for which the auditor is appointed.

If a society employs an auditor appointed for another portion of the United Kingdom, special terms may be arranged.

The auditor may accept audits on terms lower than those of the above scale.

10. Auditors shall hold their appointments from year to year, beginning on the 1st day of January in each year. The Treasury reserves to itself entire discretion as to re-appointing them.

11. They shall send in half-yearly to the Chief Registrar of Friendly Societies a list containing the names of the societies audited by them during the previous half-year, and the fees received from each society, distinguishing societies under the Friendly Societies Acts from societies under the Industrial and Provident Societies Acts.

12. The scales of fees above laid down will only remain in force from year to year. At the end of any year they may be confirmed or altered in such manner as the Treasury may direct.

13. Auditors are requested to make themselves acquainted with the provisions of the Friendly Societies Act, and of the Industrial and Provident Societies Act, 1893, which affect the exercise of their

AUDIT. functions. Their attention is particularly directed to ss. 26 and 88 of the Friendly Societies Act, 1896, and to ss. 13, 14, 62, and 65 of the Industrial and Provident Societies Act, 1893.

14. Apart from the above arrangement, the auditors of the Local Government Board are authorised to exercise, subject to the sanction of that Board previously obtained, the functions of public auditors in their respective districts, but are not bound to accept any accounts for audit.

15. The Treasury reserves to itself the right of appointing additional auditors, if required.

16. The appointment of public auditor does not qualify the holder for undertaking valuation business, and it must not be used for obtaining such work.

A public auditor, not being also a public valuer, who desires to value societies under the Friendly Societies Act, must be either an Associate or Fellow of the Institute of Actuaries in England, or a Fellow of the Faculty of Actuaries in Scotland; and if a public auditor is found, after the issue of the present conditions, to have valued any such society without being so qualified, he will be struck off the list of public auditors.

A public auditor qualified under these conditions to value societies under the Friendly Societies Act must in every case strictly conform to instructions Nos. 5-13, both inclusive, of the instructions issued by the Treasury to public valuers appointed under the above Acts, and in making valuations for societies shall not describe himself otherwise than as Associate or Fellow of the Institute of Actuaries, or as Fellow of the Faculty of Actuaries, as the case may be.

A public auditor who has been found to have solicited business, whether in the shape of audits or valuations, by offering commission or any other pecuniary inducement either to officers or members of societies, or to other persons, will be struck off the list of public auditors.

PART II.

VALUATION.

VALUA- INSTRUCTIONS to public valuers appointed under the Friendly Societies
TION. Act:—

1. A limited number of public valuers, not exceeding for the present 14, will be appointed. They will not be ranked as public servants,

and will have no salaries, nor any claim to pension or gratuity. Nor are they to assume the title of "Government valuers" or "Government actuaries," but are simply to describe themselves as "Public valuers under the Friendly Societies Act." Public valuers are not permitted to make use of the royal arms. VALUA-
TION.

2. A public valuer is bound to undertake by himself, or through some other public valuer, every valuation under the Act tendered to him by a society (the term to include a branch of a society).

3. The valuer may require that the particulars for valuation shall be supplied to him in such form as he may think fit, together with a copy of the rules for the time being of the society, and copies of the annual returns, and also of the annual statements of account of the society, where these are not identical with the annual returns, for at least the five years next preceding the date up to which the valuation is to be made.

4. The valuer may ask for such further information as to the affairs of the society as he may deem necessary for the purpose of his valuation.

5. In no valuation of a society's future sickness liabilities shall the total sickness per annum at each age up to age 70 expected to be experienced be less than that given by "Ratcliffe's Sickness Experience for the Years 1865-70, of the Manchester Unity of Oddfellows, rural, town, and city districts combined."

6. In the case of societies granting sick-allowance beyond the age of 70, the valuer shall call attention in his report to the principles on which he has valued this portion of the sickness liabilities, with special reference to the probable effect of cases of prolonged sickness on the funds of the society.

7. In no valuation of a society's future sickness liabilities shall a higher rate of mortality at any age be employed than that given by "Ratcliffe's Mortality Experience for the Years 1865-70, of the Manchester Unity of Oddfellows, rural, town, and city districts combined."

8. In the case of societies having members engaged in occupations more than usually hazardous or injurious to health, or having members residing in localities known to be unhealthy, the valuer shall in his valuation make such allowance or allowances therefor as regards conditions 5 and 6 as he may deem expedient, and shall call special attention thereto in his report on the valuation.

9. The valuer may, in estimating the value of a society's liabilities under its assured benefits, use such a rate or rates of interest as he may consider expedient; but when such rate or rates shall exceed 3 per cent. he shall, in his report on the valuation, state fully the grounds on which a higher rate of interest is made use of.

VALUA-
TION.

10. No allowance is to be made for possible future profits arising from secessions, unless the number of contributing members in the society, and the nature of the society's business, be such as fully to justify an allowance being made, and the valuer shall in all such cases state in his report what allowance has been made and the grounds on which it is made.

11. The method of valuation must in no case have the effect of treating any of the society's assurance contracts as assets; in other words, the liability of the society under its assurance contracts must in no case be treated as having a negative value.

12. The valuation report must in all cases state distinctly what provision is made for future expenses of management, and the valuer shall state whether in his opinion, judging from the experience of the society, such provision is adequate.

13. In making his report on the valuation, the valuer shall in all cases specially call attention to the assumptions on which the valuation is based, particular care being exercised in this case where the number of members is small.

14. The valuer shall make his valuation and furnish to the society the report and abstract of valuation required by the "Friendly Societies Act," within three calendar months after the necessary particulars have been supplied to him, unless there be just and sufficient reasons for any delay.

15. If in consequence of the large number of valuations under the Act which are submitted to him, a public valuer is unable to complete any such valuation within the time above specified, he may transfer such valuation to another public valuer upon the same terms and conditions.

16. When the benefits to be valued do not exceed two classes of sick-allowance and deferred annuities, together with sums payable on the deaths of members and of their wives, the scales of payment to public valuers shall be as follows:—

						£	s.	d.
For societies consisting of not more than 75 members	...					3	3	0
Societies with over 75 members, not exceeding 100 members						4	4	0
" 100	"	"	150	"		5	5	0
" 150	"	"	200	"		6	6	0
" 200	"	"	300	"		7	7	0
" 300	"	"	400	"		8	8	0
" 400	"	"	500	"		9	9	0
" 500	"	"	600	"		10	10	0
" 600	"	"	750	"		12	12	0
" 750	"	"	1000	"		15	15	0

With a further £5 5s. for every 500 members, or portion thereof,

beyond the total amount of members not exceeding 2500. Beyond 2500 members the fee to be a matter of special arrangement, as well as in all cases where the number of benefits exceeds that above mentioned. The scales of payment hereby sanctioned are intended to cover all investigations arising out of and incident to a valuation under the Act.

Valuers may accept valuations on terms lower than those of the above scale. But any public valuer found to have solicited business by offering commission, or any other pecuniary inducement, either to officers or members of societies, or to other persons, will be struck off the list of public valuers.

Valuers must take such steps as they think fit for obtaining payment of their fees.

17. Valuers shall hold their appointments from year to year, beginning on the 1st January.

The Treasury reserves to itself entire discretion as to re-appointing them.

18. They shall send in half-yearly to the Chief Registrar of Friendly Societies a list containing the names of the societies for whom they have made valuations during the previous half-year, and the fees received from each society.

19. The scale of fees above laid down will remain in force till the end of 1885.

At the end of that time it will either be confirmed or altered in such manner as the Treasury may direct.

20. The Treasury reserves to itself the right of appointing additional valuers if required.

21. Valuers are requested to make themselves acquainted with the provisions of the Friendly Societies Act, and with the Treasury regulations which affect the exercise of their functions. Their attention is particularly directed to s. 28 of the Act of 1896.

These instructions are those at present in force, but are subject to yearly revision by the Treasury.

The subjoined forms are those at present prescribed by the chief registrar for: 1. The returns with respect to the benefits assured and contributions receivable by the society, and of its funds and effects, debts and credits, to be made by the secretary of the society (pp. 172-4). 2. The abstract to be made by the valuer, whether one of the public valuers or a valuer appointed by the society itself, of the results of his valuation (pp. 175-9).

TOTAL AMOUNT PAID ON ACCOUNT OF SICKNESS BENEFITS.

Year ending	Ceasing at age .				Ceasing at age .				Ceasing at age .				Throughout life.			
	Full pay.	Reduced pay.	Further reduced pay.	Permanent reduced pay (if any).	Full pay.	Reduced pay.	Further reduced pay.	Permanent reduced pay (if any).	Full pay.	Reduced pay.	Further reduced pay.	Permanent reduced pay (if any).	Full pay.	Reduced pay.	Further reduced pay.	Permanent reduced pay (if any).
31 Dec. 18 .	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
" 18 .																
" 18 .																
" 18 .																
" 18 .																
Total ...																

TOTAL AMOUNT PAID ON ACCOUNT OF

Year ending	Sums at death.	Annuities commencing				Endowments.	Other payments (to be specified).
		At age .	At age .	At age .	At age .		
31 Dec. 18 .	£	£	£	£	£	£	£
" 18 .							
" 18 .							
" 18 .							
Total ...							

VALUATION.

VALUA-
TION.

(3) State according to the rules of the society—

- (a) When full pay ceases and reduced pay begins, and what the reduction is;
- (b) When such reduced pay is still further reduced, and by how much;
- (c) Under what circumstances (if any) members become entitled to a permanent reduced sick-allowance, and what proportion the same bears to full pay.

(4) (a) How are the management expenses provided for?

- (b) Fill in for each of the five years preceding the date of valuation the following particulars, *omitting shillings and pence* :—

Year ending	Total receipts on account of management expenses.	Total payments on account of management expenses.
31 Dec. 18 .	£	£
„ 18 .		
„ 18 .		
„ 18 .		
„ 18 .		
Total...		

(5) When was the last valuation made, and by whom?

Signature of Secretary_____

Registered Office_____

Date_____ 18 .

To be made by the Valuer appointed by the Society.

SUMMARY OF RESULTS OF VALUATION AS AT 18 .

Nature of benefits assured.	No. of benefits.	Total amount assured.		Total yearly con- tributions applicable to benefits.		Present value of	
		£	s. d.	£	s. d.	Benefits.	Contributions applic- able to benefits.
Sickness allowance ceasing at age							£
" " " " " " " " " " " "							
" " " " " " " " " " " "							
" " " " " " " " " " " "							
Annuities (deferred and immediate) com- mencing at age		+					
" " " " " " " " " " " "							
" " " " " " " " " " " "							
Sums payable at death of (a) members.....							
" " " " " " " " " " " "							
(b) wives							
Endowments; with return of contributions							
" without							
Other benefits (to be specified)							
Total.....							

* The total full sick-pay assured per week is to be stated.

* The total full sick-pay assured per week is to be stated.

† The total sum payable per annum is to be stated.

VALUA-
TION.

VALUATION BALANCE SHEET AS AT 18 .				Dr.	Cr.	
		£	£			
To present value of benefits assured by the society, as per summary			By total funds, as per secretary's return			
" other liabilities, viz. :— (Full particulars to be given.)						" present value of future contributions applicable to benefits
" surplus (if any)						" other assets, viz. :— (Full particulars to be given.)
" deficit (if any)			" deficiency (if any)			
(1) What published table or tables and what rate or rates of interest have been used in the valuation of—		Description of table. <i>In describing the tables, the name of the publication should be stated, together with the edition used and the number of the page where the table may be found.</i>		Rate of interest.		
(a) The sickness benefits ?						
(b) The annuities ?						
(c) The endowments ?						
(d) The sums payable at death ?						
(e) The other benefits (if any) (specifying them) ?						
(The answers to the above questions must give full particulars.)						

(2) If a table or tables have been used which are not published, fill in the particulars as below. VALUA-
TION.

Valuation age.	Average sickness per annum in weeks.	Rate of mortality per cent.
20		
25		
30		
35		
40		
45		
50		
55		
60		
65		
70		
75		
80		

Note.—Where sums payable on the death of persons under age twenty are assured, the rate of mortality per cent. used in the valuation must be stated below for every age under twenty.

Valuation age.	Rate of mortality per cent.
Under 3 months	
Exceeding 3 months	}
and not exceeding 6 months	
Do. 6 do. 9 do.	
Do. 9 do. 12 do.	
2 years	
3 "	
4 "	
5 "	
6 "	
7 "	
8 "	
9 "	
10 "	
11 "	
12 "	
13 "	
14 "	
15 "	
16 "	
17 "	
18 "	
19 "	

- VALUA-
TION.** (3) Have the tables used in the valuation, or the results of a valuation by such tables, been in any way altered to suit special circumstances?

If they have, state clearly and fully the nature and purpose of such alterations, and their effect on the results shown by the valuation.

- (4) Has any allowance been made for any provisions in the rules relating to the reduction of sick-pay in cases where sickness lasts beyond the time for which full sick-pay runs?

If so, state clearly and fully how such allowance has been calculated, and the amount by which the estimated value of sick-benefits on the assumption of full pay throughout is thereby reduced.

- (5) How have the valuation ages been computed?

- (6) What average rate of interest has been realized on the funds of the society for each of the five years preceding the date of valuation?

Year ending	Rate of interest realized per cent.
31 Dec. 18 .	
„ 18 .	
„ 18 .	
„ 18 .	
„ 18 .	

- (7) Has an investigation been made into the mortality or sickness experience of the society? If so, give the particulars of the observations, and the results deduced therefrom at the various ages.

(Where convenient, these particulars and results may be furnished on a separate sheet.)

- (8) To what causes may be attributed the surplus or deficiency shown by the valuation?

Note.—Where the accounts of any of the various benefit funds are kept distinct, the answer should deal with each fund separately.

- (9) Fill in the particulars required in the appended schedule.

RESERVE (OR ESTIMATED NET LIABILITY) REQUIRED ACCORDING TO THE VALUATION FOR

Sick-benefit of		per week * throughout life.					Sum of £		+ payable at death.					Sickness benefit of					per week { at age †				
Member's age at entry.	Yearly contribution for benefit.	Valuation age 1 year older.	Valuation age 3 years older.	Valuation age 5 years older.	Valuation age 10 years older.	Yearly contribution for benefit.	Valuation age 1 year older.	Valuation age 3 years older.	Valuation age 5 years older.	Valuation age 10 years older.	Yearly contribution for benefit.	Valuation age 1 year older.	Valuation age 3 years older.	Valuation age 5 years older.	Valuation age 10 years older.	Sum of £	Deferred annuity of	per week	per week	per week	per week	per week	per week
		Valuation age 1 year older.	Valuation age 3 years older.	Valuation age 5 years older.	Valuation age 10 years older.	Yearly contribution for benefit.	Valuation age 1 year older.	Valuation age 3 years older.	Valuation age 5 years older.	Valuation age 10 years older.	Yearly contribution for benefit.	Valuation age 1 year older.	Valuation age 3 years older.	Valuation age 5 years older.	Valuation age 10 years older.	Sum of £	Deferred annuity of	per week	per week	per week	per week	per week	per week
20																							
25																							
30																							
35																							
40																							
45																							

Note.—This part of the schedule is only required to be filled in when the contributions for the various benefits are not kept separate.

* The amount of sickness benefit per week should be the maximum per member assurable by the society, and when the society does not grant such benefit throughout life the age at which such benefit ceases must be stated.
 † The amount payable at death should be the maximum per member assurable by the society.
 ‡ State at what age sickness benefit ceases and the annuity begins. The amount of sickness benefit, deferred annuity, and sum payable at death, should be the maximum amounts assurable per member by the society.

Signature of Valuer _____
 Address _____
 Calling or Profession _____
 Date _____

VALUATION.

PART III.

PROSECUTIONS UNDER S. 87.

FORM OF STATUTORY DECLARATION UPON APPLICATION FOR
AUTHORITY OF CENTRAL OFFICE TO PROSECUTE.

Name of society _____ Register No. .

I, _____ of _____, a member of the above-mentioned society, do solemnly and sincerely declare (1) that, as I believe I shall be able to prove, _____ of _____ has [*Here state the complaint, viz.:*—“obtained possession by false representation or imposition of certain property of the society,” or “withheld or misapplied property of the society in his possession,” or “wilfully applied certain property of the society in his possession to purposes other than those required or directed in the rules of the society, and authorised by the above-mentioned Act.”] (2) That the society, the trustees, and committee of management thereof will not make or authorise to be made any complaint in respect of such fraud or misappropriation.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of
Her Majesty's Justices of the Peace
for the said county of _____, at _____
_____, in the said county, this _____
day of _____, 18 ____.

FORM OF AUTHORITY BY CENTRAL OFFICE.

Upon a declaration of _____, a member of the _____, that, as he believes he shall be able to prove, _____ has _____, and that the said society, the trustees, and committee of management thereof will not make or authorise to be made any complaint in respect of such alleged fraud or misappropriation:—

The central office hereby authorises the said _____, at his own risk and cost, to make complaint in respect thereof, pursuant to s. 87 of the Friendly Societies Act, 1896.

Given under the seal of the central office this _____ day of _____
18 ____.

PART IV.

FORMS OF RULES.

Note as to the Preparation of Rules for the Examination of the Registrar.

All the requirements in Form A or Ab (pp. 198, 206) should be provided for.

A proof copy of the rules should in the first instance be sent (in the case of a branch through the secretary of the order) for the examination of the registrar. This copy will be returned with any corrections necessary. Two fair copies should then be sent properly signed with the necessary forms for registration. The type should be kept standing until the rules are finally revised and sealed. In no case is a society or branch warranted in printing off its rules before they have actually been registered.

Rules should not be sent in manuscript. The same observation applies to all amendments whether complete or partial.

It is of the greatest importance that all rules and amendments of rules in use by a society or branch should be fac-similes of the rules, &c., registered. When, therefore, rules are reprinted care should be taken that the pages and lines in the new edition are the same as in the old, and so still correspond with the registered copy.

For a *complete amendment* insert at the head of the rules the words "All previous Rules rescinded."

All the rules left blank in the following forms must be provided for in the rules sent for registration.

(A).—FRIENDLY SOCIETIES.

RULES.

I.—CONSTITUTION OF SOCIETY.

Friendly Society.

The society is a Friendly Society, composed of persons over one year of age.*

Every member over sixteen years of age may, by himself, and every member under that age, by his parent or guardian, execute all instruments and give all acquittances necessary to be executed or given under the rules of the society, but a member under twenty-one years of age shall not be a member of the committee of management or a trustee or treasurer of the society.

* No person under the age of one year may be a member of a society. Any other age, not less than one year, may be stated.

RULES.

Friendly
Society.

II.—NAME OF SOCIETY AND PLACE OF REGISTERED OFFICE.

The society shall be called "The * .
 Its registered office is in England, and is No. , Street,
 , in the county of .

In the event of any change in the situation of the registered office, notice of such change shall be sent within fourteen days thereafter to the registrar in the form prescribed by the Treasury regulation in that behalf.

III.—OBJECTS AND PURPOSES, ADMISSION OF MEMBERS, CONDITIONS OF BENEFIT, &c.

(1.) *Objects for which the society is established.*—† This society is established to provide, by voluntary subscriptions of the members, with [or without] the aid of donations: (a) For the relief or maintenance of the members, their husbands, wives, children, fathers, mothers, brothers, or sisters, nephews or nieces, and wards being orphans, during sickness or other infirmity, whether bodily or mental; in old age, being any age after [fifty ‡] years, and in widowhood; and for the relief or maintenance of the orphan children of members during their minority. (b) For insuring money to be paid on the birth of a member's child or on the death of a member or for the funeral expenses of the husband, wife, or child of a member or the widow of a deceased member. (c) For the relief or maintenance of the members when on travel in search of employment or when in distressed circumstances.

(2.) *Purposes for which the funds shall be applicable.*—All moneys received on account of contributions, donations, admissions, fines or otherwise, shall be applied towards carrying out the objects of the society, according to the rules and tables (if any) thereof. Any officer misapplying the funds shall repay the same and be excluded, without prejudice to his liability to prosecution for such misapplication.

(3.) *Terms of admission of members.*—§

(4.) *Conditions under which members may become entitled to benefits.*—||

* State the name, which is not to be that of any existing registered society.

† So much of this rule as is not intended to be adopted by the society should be omitted, and if the society is to be for any other of the objects authorised by the Act, they should be stated, following closely the words of s. 8 of the Act, as in this model.

‡ Any other age after fifty may be stated.

§ Here should be stated in what manner a candidate for membership is to be proposed and elected; what entrance fee, if any, he is to pay; what classes of persons, if any, are not to be eligible for membership, &c.

|| Here should be stated, with respect to each benefit, what are the contributions payable to assure it, for how long they must be paid before a member is to be entitled to the benefit, and in what manner a member is to make and prove his claim, &c. Contributions should always be arranged in tabular form.

(5.) The society shall not pay any sum of money upon the death of a member or other person whose death is or ought to be entered in any register of deaths, except upon the production of a certificate of that death under the hand of the registrar of deaths, or other person having the care of the register of deaths in which such death is or ought to be entered (unless such death is a death at sea or by colliery explosion, or other accident, where the body cannot be found, or is a death certified by a coroner to be the subject of a pending inquest), [nor upon the death of a child under ten years of age, except upon the production of such certificate of death as is required by s. 64 of the Friendly Societies Act, 1896, and otherwise in conformity with the provisions of the said Act.*]

(6.) *Fines and forfeitures to be imposed on members.*—†

(7.) *Consequences of non-payment of any subscription or fine.*—

(8.) *Provision for expenses of management.*—The necessary expenses of the management of the society shall be provided for by—‡

IV.—MEETINGS: RIGHT OF VOTING. §

V.—NEW RULES AND ALTERATION OF RULES.

No new rule shall be made, nor any of the rules herein contained or hereafter to be made shall be amended, altered, or rescinded, unless with the consent of a majority of the members present at a general meeting of the society specially called for that purpose. No amendment of rules is valid until registered.

VI.—APPOINTMENT AND REMOVAL OF COMMITTEE OF MANAGEMENT, TREASURER, TRUSTEES, AND OTHER OFFICERS.

There shall be elected by a majority of the members present at a meeting of the society to be called for that purpose a committee of management, consisting of *ten* persons, a treasurer, secretary, and

* These words should be omitted where children under ten are not insured.

† Here is to be stated the amount of every fine, the cause for which it is to be inflicted, and the authority empowered to inflict it. A rule which imposes a fine or forfeiture not of a fixed or limited amount is not in accordance with the Act.

‡ Here should be stated whether the expenses of management are to be provided for by a separate contribution, or by setting apart a specific proportion of the contribution.

§ Here should be stated how often, when and where, meetings are to be held; what notice is to be given of them; by whose authority and how meetings are to be specially called, and upon what requisition; whether any and what number of members is necessary to constitute a quorum, either generally or in any particular cases; who is to take the chair; what are the qualifications of voters; whether votes may be given by proxy, and how questions on which there is an equality of votes are to be decided.

RULES. [two auditors*]. The committee of management, treasurer, and secretary shall continue in office until the general annual meeting of the society, unless previously removed by a resolution of the major part of the members present at any meeting called for that purpose; and at every annual meeting a committee of management, treasurer, and secretary shall be appointed for the ensuing year, or, in failure thereof, those last appointed shall be considered as again appointed; and in case any member of the committee of management, treasurer, or secretary shall die, resign, or be removed prior to such annual meeting, the committee of management shall appoint a person to fill the vacancy.

**Friendly
Society.**

There shall be three trustees. The trustees shall continue in office during the pleasure of the society, and be removable at a general meeting; and in case of a vacancy, another shall be elected by a majority of members at a meeting called for that purpose. A copy of every resolution appointing a trustee shall be sent to the registrar within fourteen days after the date of the meeting at which such resolution was passed, in the form prescribed by the Treasury regulation in that behalf.

VII.—POWERS AND DUTIES OF OFFICERS.

(1.) The committee of management shall meet on every at the hour of . Any (six) of the committee of management duly assembled at any such meeting shall form a *quorum*, and shall have full power to superintend and conduct the business of this society according to the rules provided for the government thereof, and shall in all things act for and in the name of this society; and all acts and orders under the powers delegated to them shall have the like force and effect as the acts and orders of this society at any general meeting. Every question at such meeting shall be decided by a majority of votes, and if the votes are equal the chairman shall have a casting vote. Any (two) of the committee of management may call a special meeting thereof, by giving (seven) clear days' notice in writing to the secretary, but at such special meeting no other business than that specified in the notice shall be taken into consideration. The committee of management shall convene all the meetings of the society, on such requisitions as are herein mentioned.

(2.) The treasurer shall, in the month of in every year, and also when required by a general meeting, or by the trustees or committee of management upon demand made, or notice in writing given to him or left at his last or usual place of residence, render a just and true account of all moneys received and paid by him on account of the society; and shall also, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or

* Auditors need not be appointed if the accounts are audited by a public auditor.

custody to such persons as a general meeting, or the committee of management, or the trustees appoint. He shall be responsible for such sums of money as may from time to time be paid into his hands by the secretary, or by any person on account of this society; he shall balance his cash account monthly, and supply the secretary with a duplicate thereof, and shall, if required, attend every general meeting. He shall, before taking upon himself the execution of his office, give security, pursuant to the Friendly Societies Act.

(3.) The secretary shall give his attendance at all meetings of this society; he shall record correctly the names of the members of the committee of management or trustees there present, and the minutes of their proceedings, which he shall transcribe into a book to be authenticated by the signature of the chairman as the proceedings of the meeting; he shall receive proposals for admission, and demands for allowances of every description granted by the rules; he shall keep the accounts, documents, and papers of the society in such manner and for such purposes as the committee may appoint, and shall prepare and send all returns and other documents required by the Friendly Societies Act, or the Treasury regulations to be sent to the registrar. The secretary shall, on all occasions, in the execution of his office, act under the superintendence, control, and directions of the committee of management.

(4.) The trustees shall be admitted to all meetings of the committee of management, and shall be at liberty to take part in the proceedings thereof, and vote on any question under discussion.

(5.) In case any trustee being removed shall refuse or neglect to assign or transfer any property of the society as the committee of management shall direct, he shall (if he be a member) be expelled the society, and shall cease to have any claim on the society on account of any contributions paid by him, without prejudice to any liability to prosecution which he may have incurred.

[In a society with branches, the composition of the central body must also be stated and the conditions under which a branch may secede from the society; and provision should be made for a fund under the control of the central body, to which every branch is bound to contribute, and for the control of the central body over the branches.]

VIII.—DIVIDING SOCIETIES.

If the society is a dividing one, a rule should be inserted directing when and how the division is to be made, with the following addition to the Rule:—

It shall be the duty of the committee of management to see that all claims upon the society existing at the time of any division of the funds thereof are met and provided for before any such division takes place.

RULES.

Friendly
Society.

IX.—COPIES OF RULES.

It shall be the duty of the committee of management to provide the secretary with a sufficient number of copies of the rules, to enable him to deliver to every person on demand a copy of such rules on payment of a sum not exceeding 1s. [* for non-members, and 6d. for members], and of the secretary to deliver such copies accordingly.

X.—KEEPING AND AUDITING OF ACCOUNTS.

(1.) The committee of management shall cause the accounts of the society to be regularly entered in proper books.

(2.) Separate accounts shall be kept of all moneys received or paid on account of every particular fund or benefit assured by the society, for which a separate table of contributions payable is adopted, distinct from all moneys received and paid on account of any other benefit or fund.

(3.) A separate account shall also be kept of the expenses of management of the society, and of all contributions on account thereof.

(4.) The committee of management shall once at least in every year submit the accounts, together with a general statement of the same and all necessary vouchers up to the 31st December then last, for audit, either to one of the public auditors appointed under the Friendly Societies Act, 1896, or to two or more persons appointed as auditors by the members at the meeting next before each yearly meeting of the society, and shall lay before every such meeting a balance sheet (which either may or may not be identical with the annual return, but must not be in contradiction to the same), showing the receipts and expenditure, funds and effects of the society, together with a statement of the affairs of the society since the last ordinary meeting, and of their then condition. Such auditors shall have access to all the books and accounts of the society, and shall examine every balance sheet and annual return of the receipts and expenditure, funds and effects of the society, and shall verify the same with the accounts and vouchers relating thereto, and shall either sign the same as found by them to be correct, duly vouched, and in accordance with law, or shall specially report to the meeting of the society before which the same is laid in what respects they find it incorrect, unvouched, or not in accordance with law.

XI.—ANNUAL RETURNS.

(1.) It shall be the duty of the secretary to send to the registrar every year before the 1st June, as required by the Friendly Societies Act, the annual return, in the form prescribed by the Chief Registrar of Friendly Societies, of the receipts and expenditure, funds and effects

* If no distinction is intended, the words in brackets may be omitted. Any other figures not exceeding 1s. may be inserted.

of the society, and of the number of members of the same, up to the 31st December then last inclusively, as audited and laid before a general meeting, showing separately the expenditure in respect of the several objects of the society, together with a copy of the auditors' report, if any.

(2.) Such return shall state whether the audit has been conducted by a public auditor appointed under the Friendly Societies Act, 1896, and by whom, and if such audit has been conducted by any persons other than a public auditor, shall state the name, address, and calling or profession of each of such persons, and the manner in which, and the authority under which, they were respectively appointed.

(3.) It shall be the duty of the committee of management to provide the secretary with a sufficient number of copies of the annual return, or of some balance sheet or other document duly audited, containing the same particulars of the receipts and expenditure, funds and effects of the society, as are contained in the annual return for supplying gratuitously every member or person interested in the funds of the society, on his application, with a copy of the last annual return of the society, or of such balance sheet or other document for the time being, and it shall be the duty of the secretary to supply such gratuitous copies on application accordingly.

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XII.—VALUATIONS.

(1.) Once at least in every five years the assets and liabilities of the society (including the estimated risks and contributions) shall be valued in manner provided by the Friendly Societies Act, 1896.

(2.) It shall be the duty of any valuer appointed by the society to make a report to be signed by him, and which shall also state his address and calling or profession, on the condition of the society, and also an abstract of the results of his valuation, in the form prescribed by the chief registrar.

(3.) On receiving such report it shall be the duty of the committee of management to call forthwith a special meeting of the society for the purpose of receiving the same; and to lay such report and the abstract of the results of valuation before such meeting; and it shall be the duty of the secretary to forward such report and abstract to the registrar, together with a return containing such information with respect to the benefits assured and contributions receivable by the society, and to its funds and effects, debts and credits, as the registrar may require.

XIII.—INSPECTION OF BOOKS.

(1.) The books and accounts of the society shall be open to the inspection of any member or person having an interest in the funds of the society at all reasonable hours, at the registered office of the society, or at any place where the same are kept [*except that no

* If the society does not grant loans to members, the words in brackets are to be left out.

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such member or person, unless he be an officer of the society, or be specially authorised by a resolution of the society to do so, shall have the right to inspect the loan account of any other member without the written consent of such member], and it shall be the duty of the secretary to produce the same.

(2.) It shall be the duty of the committee of management to keep a copy of the last annual balance sheet of the society and of the last quinquennial valuation, together with any special report of the auditors, always hung up in a conspicuous place at the registered office of the society.

XIV.—INVESTMENT OF FUNDS, HOLDING OF LAND, &c.

(1.) So much of the funds of the society as may not be wanted for immediate use, or to meet the usual accruing liabilities, shall, with the consent of the committee, or of a majority of the members of the society present and entitled to vote in general meeting, be invested by the trustees in any of the following ways, namely: in any savings bank certified under the Act of 1863, or Post Office Savings Bank, in the public funds, or with the Commissioners for the Reduction of the National Debt, or upon Government or real securities in Great Britain or Ireland,* or in the purchase of land, or in the erection or alteration of offices or other buildings thereon as after mentioned.

(2.) The trustees, with the consent of a special meeting of the society called for the purpose, may purchase or take on lease any land,† and may sell, exchange, mortgage, lease, or build upon that land (with power to alter and pull down buildings and again rebuild), and a purchaser, assignee, mortgagee, or tenant shall not be bound to inquire as to the authority for any sale, exchange, mortgage, or lease by the trustees, and the receipt of the trustees shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage, or lease.

(3.) Mortgages or other assurances for securing money to the society may be vacated by a receipt endorsed, signed by the trustees, and countersigned by the secretary, in the form contained in the second schedule to the Friendly Societies Act.

XV.—LOANS TO MEMBERS.

[If a loan fund is intended to be established, it must be stated whether the same is to be formed out of the contributions or deposits of the

* Any other securities upon which it is proposed the funds should be invested should here be specified. The term "real securities" includes mortgages on freehold property.

† If the extent or value of the land is to be limited, add here "not exceeding _____ acres" (stating quantity) or "not exceeding in value £ _____" (stating value).

members, or by both means, and whether moneys may be advanced to members on their personal security, with or without sureties; also to what extent not exceeding £200 a member shall be capable of holding any interest in the loan fund; to what amount loans may be granted, such amount not to exceed, together with any moneys for the time being owing by a member to the society, the sum of £50; and to what total amount, not to exceed two-thirds of the total sums for the time being owing to the society by the members who have borrowed from the loan fund, moneys may be held by the society on deposit from its members.]

RULES.
—
Friendly
Society.

XVI.—ACCUMULATING SURPLUS OF CONTRIBUTIONS FOR MEMBERS' USE.

[If it is intended that the surplus contributions of any of the members as to the funds of the society which may remain after providing for any assurance in respect of which the same are paid should be accumulated at interest for the use of such members, a rule must be made for this purpose, and for the withdrawal of such accumulations.]

XVII.—NOMINATION.

(1.) The secretary shall keep a book in which he shall register or record every nomination made by a member of the society, aged sixteen years and upwards, of any person not being an officer or servant of the society, unless such officer or servant be the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator, to whom any sum of money payable by the society on the death of that member not exceeding £100, shall be paid.

(2.) The secretary shall in like manner record or register all revocations, or variations of such nominations by the nominator, made in writing, and signed and delivered or sent as aforesaid.

(3.) The nominator shall pay 3*d.* to the management fund for the recording or registering of every such nomination, revocation, or variation.

(4.) The secretary for neglecting to ask a new member to nominate within three calendar months of his admission shall pay a fine of 3*d.*

(5.) All nominations, revocations, or variations shall be in the following form:—

(1.) *Nomination.*

Friendly Society, registered pursuant to the Friendly Societies Act,

I hereby nominate _____, in the county of _____, to receive the money payable at my death under the rules of the society above named.

Signature.

Witness.

RULES.

Friendly
Society.(2.) *Revocation.*

I hereby revoke the above nomination.

Signature._____
Witness._____
18 .(3.) *Variation.*

I hereby vary the above nomination as follows:—

I nominate _____, of _____, in the county of _____, to
receive the money payable at my death as aforesaid in lieu of the
above named.

Signature._____
Witness._____
18 .

A nomination is vacated by the marriage of the nominator.

XVIII.—VOLUNTARY DISSOLUTION.

The society may at any time be dissolved by the consent of five-sixths in value of the members, including honorary members, if any, testified by their signatures to an instrument of dissolution in the form provided by the Treasury regulations in that behalf, and also by the written consent of every person for the time being receiving or entitled to receive any relief or benefit from the funds of the society, unless the claim of that person is first duly satisfied, or adequate provision made for satisfying such claim; the value of members to be ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in the whole.

XIX.—APPLICATIONS FOR INSPECTION, SPECIAL MEETINGS, OR
DISSOLUTION.

It shall be the right of one-fifth of the total number of members, or if the number of members is a thousand, then of such number of members as is prescribed by law, by an application in writing to the *chief registrar*,* signed by them in the forms respectively provided by the Treasury regulations in that behalf:—

(a.) To apply for the appointment of one or more inspectors to examine into the affairs of the society, and to report thereon;

(b.) To apply for the calling of a special meeting of the society.

* If the society is registered and does business exclusively in Scotland or Ireland, instead of the words “chief registrar” insert the words “assistant registrar for Scotland” or “assistant registrar for Ireland,” as the case may be.

Either such application to be made upon such notice to the society, and to be supported by such evidence for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, as the chief registrar shall direct;

(c.) Or to apply for an investigation into the affairs of the society with a view to the dissolution thereof;

Such application as last aforesaid to set forth that the funds of the society are insufficient to meet the existing claims thereon, or that the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured, and the grounds upon which such insufficiency is alleged.

RULES.
—
Friendly
Society.

XX.—DISPUTES.

(1.) Every dispute shall be settled by reference to arbitration.

(2.) Five arbitrators shall be elected, none of them being directly or indirectly interested in the funds of the society; and in each case of dispute the names of the arbitrators shall be written on pieces of paper and placed in a box or glass, and the three whose names are first drawn out by the complaining party, or by some one appointed by him or her, shall be the arbitrators to decide on the matter in difference. In case of a vacancy or vacancies, another arbitrator, or other arbitrators, shall be elected at a general meeting.

*Or,**

Every dispute shall be settled by reference to justices pursuant to the Friendly Societies Act.

(B.)—BRANCHES.

NOTE.—The provisions following embody the statutory duties of a branch, and are required to be inserted in all branch rules. The portions printed in italics should have special attention, as they are frequently overlooked. Special provisions should be added according to the nature and constitution of the society. See also note on p. 181.

RULES.
—
Branches.

The word "District," "Lodge," "Court," "Division," &c., as the case may be, should be inserted.

(1.) The branch shall be called "The _____ of the [district of the] † Society" [herein called the order]; and

* This is in the alternative. A society cannot have both methods of settling disputes.

† If the branch is not to be in district, words relating to a district are to be omitted.

RULES. all the rules of the order [and of the district], and all amendments thereof duly registered, shall be as binding on the as if the same were herein inserted.

Branches.

It is composed of persons over years of age.*

Its registered office shall be No. , Street, in the county of .

In the event of any change in the situation of the registered office, notice of such change shall be sent *through the order* to the Registrar of Friendly Societies within three weeks thereafter *in form prescribed by the Treasury regulations*.

A member may, if he is over sixteen years of age, by himself, or if he is under that age, by his parent or guardian, execute all instruments and give all acquittances necessary to be executed or given under the rules of the , but shall not be a member of the committee of management or a trustee or treasurer of the .

This shall contribute [through the district] the sum of to the fund under the control of the central body of the order.

In all matters not provided for by the rules of the [and of the district] the shall be under the control of the central body of the order, subject to the rules of the order.

(2.) No money shall be paid upon the death of a member or other person [*Continue as in Form III., 5, p. 183*].

(3.) A copy of every resolution appointing a trustee shall be sent *through the order* to the registrar within three weeks after the date of the meeting at which such resolution was passed, *in form prescribed by the Treasury regulations*.

(4.) [*Form IX., p. 186.*]

(5.) [*Form X., p. 186, substituting the name of the branch for the word "society."*]

(6.) Every year before the 1st the committee of management shall cause the secretary of the to send to the registrar *through the order* an annual return, in the form prescribed by the Chief Registrar of Friendly Societies, of the receipts and expenditure, funds and effects of the and of the number of members of the same, up to the 31st December then last inclusively, as audited and laid before a general meeting, showing separately the expenditure in respect of the several objects of the , together with a copy of the auditors' report, if any.

[*Add Form XI. (2), p. 187.*]

(7.) Once at least in every five years, the assets and liabilities of the (including the estimated risks and contributions) shall be valued in manner provided by the Friendly Societies Act, by a valuer to be appointed by the (whether such valuer be one of the public valuers appointed under the said Act or not).

* No person under the age of one year may be a member of a branch unless it is one consisting wholly of members under twenty-one.

[*Add Form XII. (2) and (3), p. 187, substituting the name of the branch for the word "society."*] RULES.

(8.) The committee of management shall cause the books and accounts of the _____ to be kept open to the inspection of any member or person having an interest in the funds of the _____ at all reasonable times, *at the registered office of the _____*, or at any place where the same are kept, and it shall be the duty of the secretary to produce the same accordingly. Branches.

[*Add Forms XIII. (2), p. 188, and XI. (3), p. 187, substituting the name of the branch for the word "society."*]

(9.) [*Form XVII., p. 189, substituting the name of the branch for the word "society."*]

(10.) The _____ may at any time be dissolved by the consent of the central body of the order and of five-sixths in value of the members, including honorary members, if any, testified by their signatures to an instrument of dissolution in the form provided by the Treasury regulations in that behalf, and also by the written consent of every person for the time being receiving or entitled to receive any relief or benefit from the funds of the _____, unless the claim of that person is first duly satisfied, or adequate provision made for satisfying such claim; the value of members to be ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in the whole.

(11.) It shall be the right of one-fifth of the total number of members, or if the number of members is 1000, then of such number of members as is prescribed by law, but with the consent in all cases of the central body of the order by an application in writing to the *chief registrar*, signed by them in the forms respectively provided by the Treasury regulations in that behalf [*Continue as in Form XIX., p. 190, substituting the name of the branch for the word "society."*]

(12.) The _____ may secede from the order under the following conditions (*stating them in terms corresponding to the provisions of the General Rules of the Order in that behalf*).

(C.)—CATTLE INSURANCE SOCIETIES.

The rules given above for friendly societies are applicable, with the necessary modifications, to societies of this class also.

(D.)—BENEVOLENT SOCIETIES.

NOTE.—See note as to preparation of rules, p. 181. It is desirable that all documents issued by a registered benevolent society should contain after its name the words "*registered as a Benevolent Society under the Friendly Societies Act.*"

RULES.
Benevolent society.

RULES.

Bene-
volent
society.

I.—CONSTITUTION OF SOCIETY.

The society is a benevolent society, composed of persons over [one year] of age.

II.—NAME OF SOCIETY AND PLACE OF REGISTERED OFFICE.

[*Form II.*, p. 182.]

III.—OBJECTS AND PURPOSES, ADMISSION OF MEMBERS, CONDITIONS OF BENEFIT, &c.

(1.) *Objects for which the society is established.*—This society is established for the benevolent or charitable purpose of* .

(2.) *Purposes for which the funds shall be applicable.*—All moneys received on account of contributions, donations, admissions, fines, or otherwise, shall be applied towards carrying out the objects of the society, according to the rules thereof. Any officer misapplying the funds shall repay the same and be excluded, without prejudice to his liability to prosecution for such misapplication.

(3.) *Terms of admission of members.* [See note to *Form III.* (3), p. 182.]

(4.) Members may become entitled to benefits on the following conditions [*state the conditions, or say "members shall not be entitled to benefits"*].

(5.) No fine or forfeiture shall be imposed on any member [*or as the case may be*].

IV.—MEETINGS. RIGHT OF VOTING.

[See note to *Form IV.*, p. 183.]

V.—NEW RULES AND ALTERATION OF RULES.

[*Form V.*, p. 183.]

VI.—APPOINTMENT AND REMOVAL OF COMMITTEE OF MANAGEMENT, TREASURER, TRUSTEES, AND OTHER OFFICERS.

[*Form VI.*, p. 183.]

VII.—POWERS AND DUTIES OF OFFICERS.

[*Form VII.*, p. 184.]

VIII.—COPIES OF RULES.

[*Form IX.*, p. 186.]

IX.—KEEPING AND AUDITING OF ACCOUNTS.

(1.) [*Form X.* (1), p. 186.]

(2.) [*Form X.* (4), p. 186.]

* State the whole of the objects.

X.—ANNUAL RETURNS.

[Form XI., p. 186.]

RULES.

Benevolent
society.

XI.—INSPECTION OF BOOKS.

(1.) [Form XIII. (1), p. 187, *omitting the words in brackets.*]

(2.) [Form XIII. (2), p. 188.]

XII.—INVESTMENT OF FUNDS, HOLDING OF LAND, &c.

(1.) [Form XIV. (1), p. 188.]

(2.) [Form XIV. (2), p. 188, *inserting the words "not exceeding one acre in the whole" after the word "land" in line 3.*]

(3.) [Form XIV. (3), p. 188.]

XIII.—DISPUTES.

[Form XX., p. 191.]

XIV.—VOLUNTARY DISSOLUTION.

The society may at any time be dissolved by the consent of three-fourths of the members, testified by their signatures to some instrument of dissolution in the form provided by the Treasury regulations in that behalf.

(E.)—WORKING MEN'S CLUBS.

N.B.—See note as to preparation of rules, p. 181.

RULES.

I.—CONSTITUTION OF SOCIETY.

Working
men's
club.

The society is a working men's club, composed of persons over years of age.

II.—NAME OF SOCIETY AND PLACE OF REGISTERED OFFICE.

[Form II., p. 182.]

III.—OBJECTS AND PURPOSES, ADMISSION OF MEMBERS, CONDITIONS OF BENEFIT, &c.

(1.) *Objects for which the society is established.*—This society is established for the purpose of providing for working men the means of social intercourse, mutual helpfulness, mental and moral improvement, and rational recreation.

(2.) [Form III. (2), p. 182.]

(3.) *Terms of Admission of Members.* [See note to Form III. (3), p. 182.]

(4.) Members may become entitled to benefits on the following conditions [*state the conditions*].

- RULES. (5.) No fine or forfeiture shall be imposed on any member [*or as the case may be*].
 Working men's club. (6.) *Consequences of non-payment of any subscription or fine.*

IV.—MEETINGS. RIGHT OF VOTING.

[*See note to Form IV., p. 183.*]

V.—NEW RULES AND ALTERATION OF RULES.

[*Form V., p. 183.*]

VI.—APPOINTMENT AND REMOVAL OF COMMITTEE OF MANAGEMENT, TREASURER, TRUSTEES, AND OTHER OFFICERS.

[*Form VI., p. 183.*]

VII.—POWERS AND DUTIES OF OFFICERS.

[*Form VII., p. 184.*]

VIII.—COPIES OF RULES.

[*Form IX., p. 186.*]

IX.—KEEPING AND AUDITING OF ACCOUNTS.

(1.) [*Form X. (1), p. 186.*](2.) [*Form X. (4), p. 186.*]

X.—ANNUAL RETURNS.

[*Form XI., p. 186.*]

XI.—INSPECTION OF BOOKS.

(1.) [*Form XIII. (1), p. 187, omitting the words in brackets.*](2.) [*Form XIII. (2), p. 188.*]

XII.—INVESTMENT OF FUNDS, HOLDING OF LAND, &c.

[*Form XIV., p. 188.*]

XIII.—DISPUTES.

[*Form XX., p. 191.*]

XIV.—VOLUNTARY DISSOLUTION.

[*Form XIV., p. 195.*]

(F.)—SPECIALLY AUTHORISED SOCIETIES.

RULES.

— The forms given for a working men's club may be used, with the modifications given below and any other necessary modifications to suit the particular nature of the society.

Specialty
authorised
society.

If the society has any friendly society objects besides those specially

authorised, all the obligations imposed by the Act on friendly societies would have to be provided for in the rules. See the model rules for friendly societies, *ante*. See also note as to preparation of rules, p. 181.

It is no longer necessary to add a special rule stating the limited application of the Act to the society: the acknowledgment of registry specifies the provisions of the Act which are and those which are not extended to the society. The specification included in Form A2 (p. 201) is the usual form, which is to be varied for the different authorities. The most usual type of specially authorised society is a loan society under Authority 1 (p. 22); the specification in the case of societies under this authority is given below.

RULES.
—
Specially
authorised
society.

I.—CONSTITUTION OF SOCIETY.

The society is a specially authorised society, composed of persons over twenty-one years of age.*

* * * * *

III.—OBJECTS AND PURPOSES, ADMISSION OF MEMBERS, CONDITIONS OF BENEFIT, &c.

(1.) *Objects for which the society is established.*—This society is established for the purpose of † pursuant to the special authority of 18

(2.)—(6.) [Form III. (2-6), p. 195.]

* * * * *

XI.—INSPECTION OF BOOKS.

[Form XIII., p. 187.]

* * * * *

AUTHORITY 1. [16th May, 1876.]

Provisions of the Act which are extended to the society.	Provisions of the Act which are not extended to the society.
Sections 1 to 15	Sections 16
17 to 22	23
24 to 27	28
29 to 32	33
34	35, 36
37 to 40	41 to 43
44	45
46, 47	48
49 to 51	52
53 to 61	62 to 67
68 to 96	97
98 to 109	

* Or one year if section 36 (1) of the Act applies to the society.

† State the objects in terms of the special authority.

PART V.

FORMS APPENDED TO THE TREASURY
REGULATIONS.

FORM A.—Reg. 3.

FRIENDLY SOCIETIES ACT, 1896.

Application to register a Society.

Name of society_____

To the Registrar of Friendly Societies.

Application to register a society under the above name is made by the eight persons whose names are subscribed at the foot hereof.

1. The society is a Friendly Society [Cattle Insurance Society, Benevolent Society, Working Men's Club, or Specially Authorised Society, *as the case may be*].

2. The matters required to be set forth in the Rules are provided for in the manner shown by the subjoined schedule :—

FORMS.	Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.
Treasury regulations.	(a.) The name and place of office of the society and the sending to the registrar notice of any change thereof within 14 days.	(a.)
	(b.) The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member, and the consequences of non-payment of any subscription or fine.	(b.)
	(c.) The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules, and the supplying every person on demand with a copy of the rules at a price not exceeding 1s.	(c.)
	(d.) The appointment and removal of a committee of management, of a treasurer, and other officers, and of trustees, and the sending to the registrar notice of every appointment of a new trustee within 14 days.	(d.)

Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.	FORMS. — Treasury regulations.
(e.) Whether the society is one having branches; and, if so, the composition and powers of the central body, and the conditions under which a branch may secede from the society.	(e.)	
(f.) The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.	(f.)	
(g.) Annual returns in the prescribed form to the registrar of the receipts, funds, effects, and expenditure, and number of members of the society before the 1st June in every year.	(g.)	
(h.) The inspection of the books of the society by every person having an interest in the funds of the society.	(h.)	
(i.) The manner in which disputes shall be settled.	(i.)	
(j.) Whether the society divides its funds; and, if so, provision for meeting all claims upon the society existing at the time of division before any such division takes place.	(j.)	
(k.) The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof.	(k.)	
(l.) The supplying gratuitously any member or person interested on demand with a copy of the last annual return or other authorised document.	(l.)	
(m.) A valuation once at least in every five years, of the assets and liabilities of the society, including the estimated risks and contributions.	(m.)	
(n.) Provision for the voluntary dissolution of the society by consent of not less than five-sixths in value of the members, testified by their signatures to the instrument of dissolution, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.	(n.)	
(o.) The right of one-fifth of the total number of members [or of one hundred members if the society have 1000 and not exceeding 10,000, or of 500 members if the society have more than 10,000] to apply for an investigation of the affairs or the calling of a special meeting of the society, or for winding up the same.	(o.)	
(p.) The keeping a copy of the last annual balance sheet, with the auditors' report, if any, and of the last quinquennial valuation always hung up at the registered office.	(p.)	
(q.) If the society pays money on death, the right of a member to nominate, and the production of certificates of death.	(q.)	

FORMS. Treasury regula- tions.	Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.
	(r.) If it be intended to assure certain annuities, tables of contributions for such assurance are certified by _____, Esquire, an actuary qualified to give such certificate under s. 16 of the Friendly Societies Act, 1896. (s.) If the society is a collecting society, the provisions of ss. 1 to 9 of the Collecting Societies and Industrial Assurance Companies Act, 1896.	(r.) (s.)

(k.) to (s.) are not required except for Friendly Societies and Cattle Insurance Societies.

With this application are sent—

(a.) Two printed copies of the rules [together with the tables of contributions for annuities, certified as aforesaid] signed by each of the applicants.

(b.) A list of the names of the secretary and of every trustee, or officer intended to be authorised to sue and be sued on behalf of the society.

Signed 1.	_____	Member.
2.	_____	"
3.	_____	"
4.	_____	"
5.	_____	"
6.	_____	"
7.	_____	"
8.	_____	Secretary.

Registered Office,

Date

day of

18 .

To the Registrar of Friendly Societies,

28, Abingdon Street, London, S.W. [or Edinburgh or
Dublin, as the case requires].

[If the society intends to avail itself of s. 47 of the Friendly Societies Act, 1896, as to the holding of land; s. 53, as to discharge of mortgages by receipt endorsed; s. 46, as to loans to members; s. 42, as to accumulating surplus of contributions for members' use; or s. 54, as to security by officers; or to charge money for recording nominations, &c., under Regulation 25, rules for those purposes must be made, and it should be stated in what rules this has been done.]

FORM A2.—Reg. 4.

FRIENDLY SOCIETIES ACT, 1896.

Acknowledgment of Registry of a Specially Authorised Society.

The _____ is registered as a specially authorised society under
the Friendly Societies Act, 1896, this _____ day of _____
18 ____.

FORMS.

Treasury
regula-
tions.

Provisions of the Act which are extended to the society.	Provisions of the Act which are not extended to the society.
Sections 1 to 11	Sections 12
13, 14	15, 16
17 to 27	28
29, 30	31
32	33
34	35
36 to 40	41 to 43
44	45, 46
47	48
49 to 55	56 to 67
68, 69	70 to 73
74 to 109	



[This is the specification most generally applicable to specially authorised societies. Where other provisions are specified in the special authority, it will be modified accordingly. For example, while the special authority allows of subscriptions being recoverable, s. 23 will not be extended, and s. 31 will. Where the special authority does not allow of membership of minors, s. 36 will not extend. Where it allows of loans, ss. 45 and 46 will be transferred to the first column, and so forth.]

[A similar specification will be added to the form prescribed by the Act for a complete amendment of rules.]

FORM B.—Reg. 6.

FRIENDLY SOCIETIES ACT, 1896.

Application to register a Partial Amendment of Rules.

Name of society _____

Register No. _____. [If the society is registered in Scotland or
Ireland, add Scotland or Ireland, as the case may be.]

To the Registrar of Friendly Societies.

Application to register a partial amendment of the rules of the _____

FORMS. above-named society is made by the person whose name is subscribed
— at the foot hereof.

Treasury
regula-
tions.

With this application are sent—

- (a.) A printed copy of the registered rules, marked to show where the alterations occur, and what they are;
- (b.) Two printed [*or written*] copies of the amendment,* each signed by the applicant and three members of the society;
- (c.) A statutory declaration in Form C. of an officer of the society, that the amendment now submitted for registry has been duly made by the society, and that to the best of his knowledge and belief the same is not contrary to the provisions of the Friendly Societies Act in that behalf.

Signed

Secretary.

Registered Office,

Date day of 18 .

To the Registrar of Friendly Societies, London [Edinburgh or Dublin].

FORM C.—Regs. 6, 7.

FRIENDLY SOCIETIES ACT, 1896.

Declaration in Support of an Amendment of Rules.

Name of society

Registered No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

County of to wit.

I of , an officer of the above-named society, do solemnly and sincerely declare that the amendment of the rules of the said society, a copy of which is hereto annexed, has been duly made by the society, and that to the best of my knowledge and belief the same is not contrary to the provisions of the Friendly Societies Act.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of Her Majesty's justices of the peace for the } Signature of declarant.
said county of at
in the said county, this
day of 18 . }

* This word includes a resolution rescinding a rule and a new rule.

FORM D.—Reg. 6.

FRIENDLY SOCIETIES ACT, 1896.

Application to register a Complete Amendment of Rules.

FORMS.

Treasury
regula-
tions.

Name of society

Registered No. . [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

To the Registrar of Friendly Societies.

1. Application to register a complete amendment of the rules of the above-named society is made by the person whose name is subscribed at the foot hereof.

2. The matters required to be set forth in the Rules are provided for in the manner shown by the subjoined schedule:—

Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.
(a.) The name and place of office of the society and the sending to the registrar notice of any change thereof within 14 days.	(a.)
(b.) The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member, and the consequences of non-payment of any subscription or fine.	(b.)
(c.) The mode of holding meetings and right of voting, and the manner of making, altering, or rescinding rules, and the supplying every person on demand with a copy of the rules at a price not exceeding 1s.	(c.)
(d.) The appointment and removal of a committee of management, of a treasurer, and other officers, and of trustees, and the sending to the registrar notice of every appointment of a new trustee within 14 days.	(d.)
(e.) Whether the society is one having branches; and, if so, the composition and powers of the central body, and the conditions under which a branch may secede from the society.	(e.)
(f.) The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.	(f.)
(g.) Annual returns in the prescribed form to the registrar of the receipts, funds, effects, and expenditure, and number of members of the society before the 1st June in every year.	(g.)

FORMS.	Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.
Treasury regulations.	(h.) The inspection of the books of the society by every person having an interest in the funds of the society. (i.) The manner in which disputes shall be settled. (j.) Whether the society divides its funds; and, if so, provision for meeting all claims upon the society existing at the time of division before any such division takes place. (k.) The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management, and of all contributions on account thereof. (l.) The supplying gratuitously any member or person interested on demand with a copy of the last annual return or other authorised document. (m.) A valuation once at least in every five years, of the assets and liabilities of the society, including the estimated risks and contributions. (n.) Provision for the voluntary dissolution of the society by consent of not less than five-sixths in value of the members, testified by their signatures to the instrument of dissolution, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for. (o.) The right of one-fifth of the total number of members [or of 100 members if the society have 1000 and not exceeding 10,000, or of 500 members if the society have more than 10,000] to apply for an investigation of the affairs or the calling of a special meeting of the society, or for winding up the same. (p.) The keeping a copy of the last annual balance sheet with the auditors' report, if any, and of the last quinquennial valuation, always hung up at the registered office. (q.) If the society pays money on death, the right of a member to nominate, and the production of certificates of death. (r.) If it be intended to assure certain annuities, tables of contributions for such assurance certified by _____ Esquire, an actuary qualified to give such certificate under s. 16 of the Friendly Societies Act, 1896 (s.) If the society is a collecting society the provisions of ss. 1 to 9 of the Collecting Societies and Industrial Assurance Companies Act, 1896.	(h.) (i.) (j.) (k.) (l.) (m.) (n.) (o.) (p.) (q.) (r.) (s.)

(k.) to (s.) are not required except for Friendly Societies and Cattle Insurance Societies.

FORMS.

Treasury
regula-
tions.

With this application are sent—

- (a.) A printed copy of the registered rules.
- (b.) Two printed copies of the new rules proposed by way of complete amendment [* together with the tables of contributions for annuities, certified as aforesaid], each signed by the applicant and three members of the society;
- (c.) A statutory declaration in Form C. of an officer of the society, that the amendment now submitted for registry has been duly made by the society, and that to the best of his knowledge and belief the same is not contrary to the provisions of the Friendly Societies Acts in that behalf.

Signed

Secretary.

Registered Office,

Date day of 18 .

To the Registrar of Friendly Societies, London [Edinburgh or Dublin].

[If the society intends to avail itself of s. 47 of the Friendly Societies Act, 1896, as to the holding of land; s. 53, as to discharge of mortgages by receipt endorsed; s. 46, as to loans to members; s. 42, as to accumulating surplus of contributions for members' use; or s. 54, as to security by officers; or to charge money for recording nominations, &c., under Regulation 25, rules for those purposes must be made, and it should be stated in what rules this has been done.]

FORM E.—Reg. 8.

FRIENDLY SOCIETIES ACT, 1896.

Application to record Rules registered in another Country.

Name of society

Register No. . [Add England, Scotland, or Ireland, as the case may be.]

To the Registrar of Friendly Societies.

Application to record the rules of the above-named society is made by the secretary of the same.

1. The society carries [or intends to carry] on business in [Scotland, Ireland, or England, as the case may be] as well as in England, Scotland, or Ireland, where the same is registered.

2. With this application are sent two printed copies of the rules of the society, such copies being under the seal of the Central Office

* If the society does not grant annuities these words should be struck out.

FORMS. [or under the signature of the Assistant Registrar for Scotland or Ireland].

Treasury
regula-
tions.

Signed

Secretary.

Registered Office,
Date day of 18 .

FORM F.—Reg. 8.

FRIENDLY SOCIETIES ACT, 1896.

Application to record Amendment of Rules already recorded.

Name of society
Register No. . [Add England, Scotland, or Ireland, as the case may be.]

Recorded in [Scotland, Ireland, or England, as the case may be] No.

To the Registrar of Friendly Societies.

Application to record an amendment of the rules of the above-named society is made by the secretary of the same.

1. The society carries on business in [Scotland, Ireland, or England, as the case may be] as well as in [England, Scotland, or Ireland] where the same is registered.

The rules of the society have been already recorded in [Scotland, Ireland, or England, as the case may be].

3. With this application are sent two printed copies of an amendment of such rules lately registered, such copies being under the seal of the Central Office [or under the signature of the Assistant Registrar for Scotland or Ireland].

Signed

Secretary.

Registered Office,
Date day of 18 .

FORM Ab.—Reg. 10.

FRIENDLY SOCIETIES ACT, 1896.

Notice of Establishment of Branch and Application for Registry.

Name of society

Register No. .

To the Registrar of Friendly Societies.

1. A branch of the above society has been established at
in the county of , and is to be called
No. .

2. Application to register that branch is made by the five persons whose names are subscribed at the foot hereof.

3. The matters required to be set forth in branch rules are provided for in the manner shown by the subjoined schedule:—

FORMS.

Treasury
regula-
tions.

Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.
(a.) The name and place of office of the branch, and the sending to the registrar through the society notice of any change thereof within three weeks.	(a.)
(b.) The whole of the objects for which the branch is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member and the consequences of non-payment of any subscription or fine.	(b.)
(c.) The mode of holding meetings and the right of voting, and the manner of making, altering, or rescinding rules, and the supplying any person on demand with a copy of the rules at a price not exceeding 1s.	(c.)
(d.) The appointment and removal of a committee of management (by the name of _____), of a treasurer, and other officers, and of trustees, and the sending to the registrar through the society notice of every appointment of a new trustee within three weeks.	(d.)
(e.) The contribution to a fund under the control of the central body, the control of the central body over the branch, and the conditions under which the branch may secede from the society.	(e.)
(f.) The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.	(f.)
(g.) Annual returns in the prescribed form to the registrar through the society of the receipts, funds, effects, and expenditure, and number of members of the branch.	(g.)
(h.) The inspection of the books of the branch by every person having an interest in the funds of the branch (except as in the said Act is mentioned).	(h.)
(i.) The manner in which disputes shall be settled.	(i.)
(j.) If the society allows of the division of branch funds provision for meeting all claims upon the branch existing at the time of division before any such division takes place.	(j.)
(k.) The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate accounts of	(k.)

FORMS. Treasury regula- tions.	Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.
	the expenses of management and of all contri- butions on account thereof.	
	(l.) The supplying gratuitously every member or person interested on demand with a copy of the last annual return or other authorised docu- ment.	(l.)
	(m.) A valuation once at least in every five years of the assets and liabilities of the branch, in- cluding the estimated risks and contributions.	(m.)
	(n.) Provision for the voluntary dissolution of the branch by consent of the central body of the society and of not less than five-sixths in value of the members of the branch and of every person for the time being entitled to any benefit from the funds of the branch, unless his claim be first satisfied or adequately provided for.	(n.)
	(o.) The right of one-fifth of the total number of members [<i>or</i> of one hundred members if the branch have 1000 and not exceeding 10,000, <i>or</i> of 500 members if the branch have more than 10,000] (but with the consent of the central body of the society) to apply to the chief registrar for an investigation of the affairs or the calling of a special meeting of the branch, or for winding up the same.	(o.)
	(p.) The keeping a copy of the last annual balance sheet, with the auditors' report, if any, and of the last quinquennial valuation, always hung up at the registered office.	(p.)
	(q.) If it be intended to assure certain annuities, tables of contributions for such assurance, certi- fied by _____, Esquire, an actuary qualified to give such certificate under s. 16 of the Friendly Societies Act, 1896.	(q.)
	(r.) If the society is a collecting society the pro- visions of ss. 1 to 9 of the Collecting Societies Act, 1896.	(r.)

With this application are sent—

Two printed copies of the rules [together with the tables of contri-
butions for annuities, certified as aforesaid], each signed by each
of the applicants;

A list of the trustees of the branch,

Signed 1. _____ Member.
2. _____ "
3. _____ "
4. _____ Secretary of Branch.
5. _____ Secretary of Society.

Registered Office,

Date _____ day of _____ 18 .

[If the branch intends to avail itself of s. 44 of the Friendly Societies Act, 1896, as to investment with other branches; s. 47, as to the holding of land; s. 53, as to discharge of mortgages by receipt endorsed; s. 46, as to loans to members; s. 49, as to accumulating surplus of contributions for members' use; or s. 54, as to security by officers; or to charge money for nominations, &c., under Regulation 25, it should be stated in what rules this has been done.]

FORMS.
—
Treasury
regula-
tions.

To the Registrar of Friendly Societies,
London [Edinburgh or Dublin].

FORM Bb.—Reg. 11.

FRIENDLY SOCIETIES ACT, 1896.

Application to register a Partial Amendment of Branch Rules.

Name of society

Register No. .

Name and number (if any) of branch

To the Registrar of Friendly Societies.

Application to register a partial amendment of the rules of the above-named branch is made by the person * whose name is subscribed at the foot hereof.

With this application are sent (a) a printed copy of the registered rules, marked to show where the alterations occur, and what they are; (b) two printed [or written] copies of the amendment, each signed by the secretary and three members of the branch, and by the secretary or other authorised officer of the society; (c) a statutory declaration in Form Cb, that the amendment now submitted for registry has been duly made, and that to the best of his knowledge and belief the same is not contrary to the provisions of the Friendly Societies Act in that behalf.

Signed

Officer of the society (or
Secretary of the Branch).

Registered Office,

Date day of 18 .

[If the application is made by any officer of the society the declaration must be that of the secretary of the branch. If the application is made by the secretary of the branch, the declaration must be that of an authorised officer of the society.]

To the Registrar of Friendly Societies, London [Edinburgh or Dublin].

* This must be the secretary of the branch, or an officer of the society.

FORMS.

FORM D*b*.—Reg. 11.Treasury
regula-
tions.

FRIENDLY SOCIETIES ACT, 1896.

Application to register a Complete Amendment of Branch Rules.

Name of society

Register No. .

Name and number (if any) of branch

To the Registrar of Friendly Societies.

1. Application to register a complete amendment of the rules of the above-named branch is made by the person whose name is subscribed at the foot hereof.

2. The matters required to be set forth in branch rules are provided for in the manner shown by the subjoined schedule:—

Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.
(a.) The name and place of office of the branch, and the sending to the registrar through the society notice of any change thereof within three weeks.	(a.)
(b.) The whole of the objects for which the branch is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines and forfeitures to be imposed on any member, and the consequences of non-payment of any subscription or fine.	(b.)
(c.) The mode of holding meetings and the right of voting, and the manner of making, altering, or rescinding rules, and the supplying any person on demand with a copy of the rules at a price not exceeding 1 <i>s</i> .	(c.)
(d.) The appointment and removal of a committee of management (by the name of), of a treasurer, and other officers, and of trustees, and the sending to the registrar through the society notice of every appointment of a new trustee within three weeks.	(d.)
(e.) The contribution to a fund under the control of the central body, the control of the central body over the branch, and the conditions under which the branch may secede from the society.	(e.)
(f.) The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.	(f.)
(g.) Annual returns in the prescribed form to the registrar, through the society, of the receipts, funds, effects, and expenditure, and number of members of the branch.	(g.)

Matters required to be set forth in the rules.	Numbers of the rules in which these matters are provided for.	FORMS. — Treasury regulations.
(h.) The inspection of the books of the branch by every person having an interest in the funds of the branch (except as in the said Act is mentioned).	(h.)	
(i.) The manner in which disputes shall be settled.	(i.)	
(j.) If the society allows of the division of branch funds, provision for meeting all claims upon the branch existing at the time of division before any such division takes place.	(j.)	
(k.) The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate accounts of the expenses of management and of all contributions on account thereof.	(k.)	
(l.) The supplying gratuitously every member or person interested on demand with a copy of the last annual return or other authorised document.	(l.)	
(m.) A valuation once at least in every five years of the assets and liabilities of the branch, including the estimated risks and contributions.	(m.)	
(n.) Provision for the voluntary dissolution of the branch by consent of the central body of the society and of not less than five-sixths in value of the members of the branch, and of every person for the time being entitled to any benefit from the funds of the branch, unless his claim be first satisfied or adequately provided for.	(n.)	
(o.) The right of one-fifth of the total number of members [or of one hundred members if the branch have 1000 and not exceeding 10,000, or of 500 members if the branch have more than 10,000] (but with the consent of the central body of the society), to apply to the chief registrar for an investigation of the affairs, or the calling of a special meeting of the branch, or for winding up the same.	(o.)	
(p.) The keeping a copy of the last annual balance sheet, with the auditors' report (if any) and of the last quinquennial valuation, always hung up at the registered office.	(p.)	
(q.) If it be intended to assure certain annuities, tables of contributions for such assurance certified by _____, Esquire, an actuary qualified to give such certificate under s. 16 of the Friendly Societies Act, 1896.	(q.)	
(r.) If the society is a collecting society, the provisions of ss. 1 to 9 of the Collecting Societies Act, 1896.	(r.)	

With this application are sent—

(a.) A printed copy of the registered rules.

(b.) Two printed copies of the new rules proposed by way of

FORMS.
—
Treasury
regula-
tions.

complete amendment [* together with the tables of contributions for annuities, certified as aforesaid], each signed by the secretary and three members of the branch, and by the secretary or other authorised officer, of the society.

(c.) A statutory declaration that the amendment now submitted for registry has been duly made; and that, to the best of his knowledge and belief, the same is not contrary to the provisions of the Friendly Societies Acts in that behalf.

Signed

{ Secretary of the Branch, or
Officer of the Society.

Registered Office,

Date day of 18 .

To the Registrar of Friendly Societies, London [Edinburgh or Dublin].

[If the branch intends to avail itself of s. 44 of the Friendly Societies Act, 1896, as to investments with other branches; s. 47, as to the holding of land; s. 53, as to discharge of mortgages by receipt endorsed; s. 46, as to loans to members; s. 49, as to accumulating surplus of contributions for members' use; or s. 54, as to security by officers, or to charge money for nominations, &c., under Regulation 25, it should be stated in what rules this has been done.]

FORM Cb.—Reg. 12.

FRIENDLY SOCIETIES ACT, 1896.

Declaration in support of Amendment of Branch Rules.

Name of society

Register No. . [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

Name [and No.] of branch . [If in Scotland or Ireland, add as above.]

County of to wit.

I, of , secretary of the above-named branch [or an officer of the above-named society], do solemnly and sincerely declare that the amendment of the rules of the said branch, a copy of which is hereto annexed, has been duly made in conformity with the rules of the society and branch in that behalf, and that to the best of my knowledge and belief the same is not contrary to the provisions of the Act above referred to.

And I make this solemn declaration conscientiously believing the

* If the branch does not grant annuities, these words should be struck out.

same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of Her Majesty's justices of the peace for the said county of _____ at _____ in the said county, this _____ day of _____ 18 . . .

} Signature of declarant.

FORMS.
Treasury
regula-
tions.

FORM G.—Reg. 13.

FRIENDLY SOCIETIES ACT, 1896.

Certificate of Officer of Society as to Secession or Expulsion of Branch.

Name of society

Register No. . [add Scotland or Ireland where necessary.]

Name of branch

Registered office of branch

I hereby certify that the above-mentioned branch has wholly seceded [or has been expelled] from the above-named society.

Chief Secretary or [if other principal officer
state what officer] of the society.

Dated this _____ day of _____ 18 . .

FORM H.—Reg. 14.

FRIENDLY SOCIETIES ACT, 1896.

Notice of Change of Registered Office of Society.

Name of society

Register No. . [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

Notice is hereby given that the registered office of the above-mentioned society is removed from _____, in the county of _____, and is now situate at _____, in the county of _____.

Dated this _____ day of _____ 18 . .

_____ } Trustees.

_____, Secretary.

To the Registrar.

FORMS. * Received this day of notice of removal of
 Treasury the registered office of the Society, Register No.
 regula- to in the county of .
 tions. [Seal of central office, or signature
 of a registrar.]

FORM Hb.—Reg. 14.

FRIENDLY SOCIETIES ACT, 1896.

Notice of Change of Registered Office of Branch.

Name of society
 Register No. . [If the society is registered in Scotland or
 Ireland, add Scotland or Ireland, as the case may be.]
 Name [and No.] of branch . [If in Scotland or
 Ireland, add as above.]
 Notice is hereby given that the registered office of the above-
 mentioned branch is removed from in the county of
 to in the county of .
 Dated this day of 18 .
 An officer of the society.
 To the Registrar.

Secretary of branch.
 * Received this day of 18 , notice of
 removal of the registered office of the branch of the
 Society, to in the county of .
 { Seal of the central office, or
 { signature of a registrar.

FORM I.—Reg. 16.

FRIENDLY SOCIETIES ACT, 1896.

Copy of Resolution appointing Trustees of Society.

Name of society
 Register No. . [If the society is registered in Scotland or Ireland,
 add Scotland or Ireland, as the case may be.]
 Registered Office,
 At a meeting of the society, held the day of
 18 , it was resolved by a majority of the members present and entitled
 to vote—

* This part to be detached by the registrar when the notice is
 registered, and returned to the society.

That * of , of , and of be a trustee (or trustees) of the society. [If it is not a first appointment, add in place of , deceased, or resigned, or removed, as the case may be.]

FORMS,
—
Treasury
regula-
tions.

Trustee.†

Trustee.

Trustee.

Secretary.

‡ Received this day of 18 , notice of the appointment of as trustees of the Society, Register No. .

[Seal of the central office, or signature of a registrar.]

FORM 1b.—Reg. 16.

FRIENDLY SOCIETIES ACT, 1896.

Notice of Appointment of New Trustee of Branch.

Name of society

Register No. . [If the society be registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

Name, Registered office, and No. of branch . [If in Scotland or Ireland, add as before.]

Notice is hereby given that * of , of , and of was [or were] on the day of 18 , duly appointed a trustee (or trustees) of the above-mentioned branch in the place of deceased [or resigned or removed].

Secretary of the branch.

{ An officer of the society [order].

{ † Trustees [or officers to sue and be sued] of branch.

‡ Received this day of 18 , notice of the appointment of as trustees of the Branch of the Society.

{ Seal of the central office or signature of a registrar.

* State full names, addresses, and occupations. The secretary or treasurer cannot be a trustee.

† The new trustees [or officers to sue and be sued] to sign here.

‡ This part to be detached by the registrar when the notice is registered, and returned to the society.

FORMS.

Treasury
regula-
tions.

FORM J.—Reg. 21.

FRIENDLY SOCIETIES ACT, 1896.

Application for Direction to transfer Stock.

(To be accompanied by Form K.)

Name of society

Register No. . *[If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]*

Application for a direction to transfer stock is made by the four persons whose names are subscribed at the foot thereof, being the secretary and three members of the above-mentioned society.

1. The society at a meeting held on the day of by a resolution of a majority of the members present, and entitled to vote thereat, appointed , of , in the county of *[here name and describe all the trustees then appointed]* to be trustees.

2. A copy of such resolution, duly signed, was sent to the registrar.

3. On the day of the sum of was invested in the purchase of stock transferable at the Bank of England *[or Ireland]* in the names of the said trustees, and the same is still standing in their names, as follows:—*[State exactly in what names the stock stands.]*

4. * The said is absent from England *[or Ireland]* *[or became bankrupt, on the day of , or filed a petition (or executed a deed) for liquidation of his affairs by assignment or arrangement or for composition with his creditors, on the day of , or has become a lunatic, or died on the day of , or has not been heard of for years, and it is not known whether he is living or dead.]*

5. On the day of the society, by a resolution of the majority of the members present and entitled to vote at a meeting thereof, removed the said from his office of trustee, and appointed *[give full name and description]* in his place; and a copy of such resolution, duly signed, was sent to the registrar.

6. Since such removal application has been made in writing to the said *[removed trustee]* to join in the transfer of the said stock into the names of the said *[here give the names of the other trustees, and of the new trustee appointed in the place of the one removed]* as trustees for the said society, but he has refused to comply *[or has not complied]* with such application. *[This paragraph may be omitted, or varied, as the facts require.]*

7. This application to the chief registrar is made pursuant to s. 34

* This clause will not be necessary where the application is in consequence of the mere removal of a trustee.

of the Friendly Societies Act, 1896, that he may direct the said stock to be transferred into the names of the said . as trustees for the society by . [This blank should be filled by the names of the surviving or continuing trustees (if any), and if they be willing and able to make the transfer; but if there be no such trustee, or if any such trustee refuse or be unable to make the transfer, then by the words the Accountant General, or Deputy, or Assistant Accountant General of the said Bank; and a full statement of the facts and of the grounds of such refusal or inability should be made.]

8. With this application is sent the fee of £1 prescribed by the Treasury regulations.

FORMS.

—
Treasury
regula-
tions.

Secretary.

Member.

Member.

Member.

Registered Office

Date day of 18 .

To the Chief Registrar.

FORM K.—Reg. 21.

FRIENDLY SOCIETIES ACT, 1896.

Declaration verifying Statements in an Application for Direction to transfer Stock.

Name of society

Register No. . [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

County of to wit.

I of in the county of do solemnly and sincerely declare that I am the secretary of the above-mentioned society.

That and whose names are subscribed at the foot of the application hereto annexed, are members of the said society.

That on the day of 18 , and therein mentioned, were appointed trustees of the said society.

That on the day of 18 , the sum of was invested in the purchase of stock, transferable at the Bank of England [or Ireland] in the names of the said trustees, and the declarant believes that it is still standing in their names, as follows:—[State as in Form J.]

That the said is absent from England [or as the case may be].

FORMS. That on the day of 18 , the said
 Treasury was removed from his office of trustee, and
 regula- was appointed in his place.
 tions.

That since such removal, application has been made in writing to the said to join in the transfer of the said stock into the names of the said as trustees for the said society, but he has refused to comply [*or has not complied*] with such application. [*This paragraph may be omitted or varied as the facts require.*]

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of Her
 Majesty's justices of the peace for the } Signature of declarant.
 said county of at
 in the said county, this day }
 of 18 .

FORM L.—Reg. 24.

FRIENDLY SOCIETIES ACT, 1896.

Direction by the Chief Registrar to transfer Stock.

Whereas it has been made to appear to me that stock, transferable at the Bank of England [*or Ireland*], is now standing in the names of and , as trustees of a society registered under the Friendly Societies Act.

And that the said is absent from England [*or as the case may be*].

And that has been appointed trustee of the said society in place of the said .

(a.) * I, as Chief Registrar of Friendly Societies, hereby direct, pursuant to section 34 of the Friendly Societies Act, 1896, that the said sum of so standing in the books of the Governor and Company of the Bank of England [*or Ireland*], in the names of the said be transferred in the said books by the said into the names of the said or

(b.) And that there is no surviving or continuing trustee of the said society, or that the surviving and continuing trustees refuse or are unable to transfer the said stock in pursuance of my direction.

I, as Chief Registrar of Friendly Societies, hereby direct, pursuant to section 34 of the Friendly Societies Act, 1896, that the

* The paragraphs marked (a) or (b) will be used as the case requires.

said sum of _____ so standing in the books of the Governor and Company of the Bank of England [or Ireland] be transferred in the said books by the Accountant-General, or Deputy, or Assistant Accountant-General of the said bank, into the names of the said _____.

FORMS.
—
Treasury
regula-
tions.

Signature

Address

Date _____ day of _____ 18 .

FORM M.—Reg. 26.

FRIENDLY SOCIETIES ACT, 1896.

Reference of a Dispute.

(To be signed in duplicate.)

Dispute between _____ and [_____ an officer of]
the _____ society.

Register No. _____. [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

The above-named parties, by consent, refer the dispute between them to the Chief Registrar (or to the Assistant Registrar for Ireland, or for Scotland, *as the case may be*).

Signed { _____ (*Claimant*).
_____ (*Officer or Trustees*).

The said _____ states as follows:—

1. That he is a member (or has for not more than six months ceased to be a member or claims through a member, or through a person who has for not more than six months ceased to be a member or under the rules) of the said society.

2. That he claims to be entitled as follows (*give particulars of the claim*).

3. That the claim is proposed to be supported by the evidence of the following witnesses, and by the production of the following books and documents (*give lists*).

Signature

Address

Date _____ 18 .

The said _____ as an officer (or as trustees) of the said society states (or state) as follows:—

That he [or the society] disputes the claim of the said _____ on the following grounds (*state grounds of dispute*).

4. That his case [or the case of the society] is proposed to be

FORMS. supported by the evidence of the following witnesses, and by the
 Treasury production of the following books and documents (*give list*).
 regula-
 tions.

Signature of the officer or }
 signatures of trustees. }

Registered office

Date day of 18 .

With the reference is to be sent the fee of £1 prescribed by the
 Treasury regulations.

FORM N.—Reg. 28.

FRIENDLY SOCIETIES ACT, 1896.

Notice and Requisition.

Dispute between and [an officer of] the
 Society.

Register No. [add Scotland or Ireland where required].

To

Take notice that I shall proceed by myself [or by , Esquire,
 Assistant Registrar] to hear and determine the matter in dispute,
 which has been referred to me pursuant to the said Act, on
 the day of next, at o'clock,
 at

And that I shall require the attendance there of all parties concerned,
 and of the witnesses named, and the production of the books and
 documents specified in the statement made by you in the reference of
 the dispute.

Signature

Chief Registrar or Assistant Registrar
 for Scotland or Ireland.

Date day of 18 .

FORM O.—Reg. 29.

FRIENDLY SOCIETIES ACT, 1896.

Special Requisition to Witness.

Dispute between and [an officer of] the
 Society.

Register No. [add Scotland or Ireland where required].

To

Pursuant to section 68 of the Friendly Societies Act, 1896, you are required to attend at _____ on _____ the _____ day of _____ next at _____ o'clock, to give evidence relating to the matter in question, and to produce the following books and documents [*state them*].

FORMS.

Treasury
regula-
tions.

Signed

Chief (*or* Assistant) Registrar.

Date _____ day of _____ 18 .

N.B.—By the said Act it is enacted that “the Chief or other Registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such Chief or other Registrar, shall be guilty of an offence under this Act.”

The penalty for such offence is not less than one pound nor more than five pounds, and a new offence is committed in every week during which the default continues.

FORM P.—Reg. 30.

FRIENDLY SOCIETIES ACT, 1896.

Order for Discovery.

In the matter of a dispute between _____ and [_____] an officer of] the _____ Society, Register No. _____ referred to me pursuant to the Friendly Societies Act, 1896.

I, _____, Esquire, Chief [*or* Assistant] Registrar, order and direct as follows:—

1. That within 14 days from the service of this order do deposit at my office [*state where*] for inspection by the parties the following documents [*state the documents*].

2. That on the _____ day of _____ next, at _____ o'clock _____, [(*) an officer of the society] do appear before me at my office above-named and make discovery upon oath of all things within his knowledge [(*) as such officer] relative to the following matters [*state the matters as to which discovery is granted*].

Given under my hand this _____ day of _____ 18 .

Signature

Chief [*or* Assistant] Registrar.

N.B.—By the Friendly Societies Act, 1896, it is enacted that the chief or other registrar to whom any dispute is referred may grant to

* These words will be omitted if the discovery is to be made by the other party to the dispute.

FORMS. either party such discovery as to documents and otherwise, or such
 Treasury inspection of documents, as might be granted by any court of law or
 regulations. equity, such discovery to be made on behalf of the society by such
 officer of the same as such registrar may determine.

FORM Q.—Reg. 31.

FRIENDLY SOCIETIES ACT, 1896.

Warrant for Recovery of Documents in Scotland.

In the matter of a dispute between _____ and [_____ an
 officer of] the _____ Society.
 Register No. _____ (Scotland).

I, _____, Assistant Registrar for Scotland, order and direct
 as follows:—

That within fourteen days from the service of this order
 do deposit at my office [*state where*] for inspection by the parties the
 following documents [*state the documents*].

Given under my hand this _____ day of _____ 18 .

Signature

Assistant Registrar for Scotland.

N.B.—By the Friendly Societies Act, 1896, it is enacted that the
 chief or other registrar to whom any dispute is referred in Scotland
 may grant [such] warrant for the recovery of documents as might be
 granted by any court of law or equity.

FORM R.—Reg. 31.

FRIENDLY SOCIETIES ACT, 1896.

Warrant for Recovery of Documents and Examination of Havers in Scotland.

In the matter of a dispute between _____ and [_____
 an officer of] the _____ Society.
 Register No. _____ (Scotland).

I, _____, Assistant Registrar for Scotland, order and direct as
 follows:—

That on the _____ day of _____ next, at
 o'clock, _____ do appear before me at _____, and do
 bring with him, exhibit and produce before me, upon oath, the books,
 writings, and documents contained in the specification prefixed hereto;

and do declare upon oath where and in whose hands, custody, or keeping all or any books, writings, or documents are or may be relating to the following matters: [*state the matters*]

Given under my hand this day of 18 .

Signature

Assistant Registrar for Scotland.

FORMS.

—
Treasury
regula-
tions.

N.B.—By the Friendly Societies Act, 1896, it is enacted that “the Chief or other Registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned, and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such Chief or other Registrar, shall be guilty of an offence under this Act.”

The penalty for such offence is not less than one pound or more than five pounds, and a new offence is committed in every week during which the default continues.

The chief or other registrar in Scotland may grant [such] warrant for the recovery of documents and examination of havers as might be granted by any court of law or equity.

FORM S.—Reg. 32.

FRIENDLY SOCIETIES ACT, 1896.

Determination and Order.

In the matter of a dispute between and (officer of or) the Society, Register No. [*add Scotland or Ireland where required*], referred to me pursuant to the Friendly Societies Act:

I, , Esquire, Chief (or Assistant) Registrar, order and determine as follows:

The said (*or the trustees of the society*) shall, on or before the day of next, pay to the sum of [*or the society (or name of party)*] shall, on or before the day of next, reinstate the said as a member [*or whatever the act may be that the registrar thinks ought to be done by the party. Other provisions may here be added if necessary, and the payment of a sum of money by way of damages may be provided for as an alternative to the doing of any act*];

Or The society is not indebted to [*name of party, or as the case may require*].

FORMS. The expenses hereof are ordered to be paid out of the funds of the
 — society (*or as the case may be*).
 Treasury regulations. Given under my hand this _____ day of _____
 Signature _____
 Chief [*or Assistant*] Registrar.

N.B.—Under the Friendly Societies Act, 1896, application for the enforcement of this order may be made to the County Court, as defined by the said Act.

FORM T.—Reg. 33.

FRIENDLY SOCIETIES ACT, 1896.

(To be sent in duplicate, accompanied by Form U.)

Application for Approval of Change of Name and Registry of Special Resolution.

Name already registered

Register No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

To the Chief Registrar [*or Assistant Registrar for Ireland or Scotland, as the case may be*] and Central Office.

Application for approval of a change of name of the above-mentioned society, and for registry of a special resolution to that effect is made by the three persons whose names are subscribed at the foot hereof.

The following is a copy of a special resolution passed by the votes of three-fourths of the members present and entitled to vote at a general meeting of the society, of which notice was duly given, held on the _____ day of _____ 18 , and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting, of which notice was duly given, held on the _____ day of _____ , 18 ,* pursuant to s. 74 of the Friendly Societies Act, 1896.

[*The resolution to be copied at length.*]

With this application is sent the fee of 10s. prescribed by the Treasury regulations.

_____ Secretary	{ _____	{ Chairman of the first
	{ _____	{ general meeting.
	{ _____	{ Chairman of the subse-
		{ quent general meeting.

Registered Office

Date _____ day of _____ 18 .

* The second meeting must be held not less than fourteen days nor more than one month after the first.

FORM U.—Regs. 33, 34, 35, 42, 43.

FRIENDLY SOCIETIES ACT, 1896.

FORMS.

Treasury
regula-
tions.*Declaration to accompany Application for Registry of a Special Resolution.*

Name of society .

Register No. . [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

County of . to wit.

I, . of ., an officer of the above-named society, do solemnly and sincerely declare that in making the special resolution, application for registry of which is appended to this declaration, the provisions of s. 74 of the Friendly Societies Act, 1896, have been duly complied with.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of Her Majesty's justices of the peace for the said county of . at . in the said county, this . day of . 18 .	}	Signature of declarant.
--	---	-------------------------

In the case of an amalgamation of societies a declaration must be made by the secretary of each society.

FORM V.—Regs. 34, 43.

FRIENDLY SOCIETIES ACT, 1896.

(To be sent in duplicate by each society, accompanied by Form U.)

Application for Registry of Special Resolution for Amalgamation of Societies.

* Name of society (A) .

Register No. . [If the society is registered in Scotland or Ireland, add the words Scotland or Ireland, or as the case may be.]

Name of society (B)

Register No. . [If the society is registered in Scotland or Ireland, add as before.]

(And so on if more than two.)

* As this application must be made by each society, the order in which the societies are named must be inverted or changed in each application.

FORMS.

To the Central Office.

Treasury
regula-
tions.

Application for registry of a special resolution for the amalgamation of the above-mentioned societies is made by the three persons whose names are subscribed at the foot hereof.

1. The following is a copy of a special resolution passed by the votes of three-fourths of the members present and entitled to a vote at a general meeting of the (A) _____, of which notice was duly given, held on the _____ day of _____, 18 __, and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting, of which notice was duly given, held on the _____ day of _____, 18 __, * pursuant to s. 74 of the Friendly Societies Act, 1896.

[The resolution to be copied at length.]

2. † The number of votes to which all the members of the (A) _____ Society are entitled pursuant to s. 70 of the said Act is _____; the number of votes of the members who assented at the said meeting is _____; and the written consents of members entitled to _____ votes, and of every person for the time being, receiving or entitled to any relief, annuity, or other benefit from the funds of the society are appended hereto (except the consents of _____, whose claims have been duly satisfied or have been provided for, *state in what manner such provision has been made*).

3. With this application is sent the fee of 10s. prescribed by the Treasury regulations.

_____	{	Chairman of the first general meeting.
_____		Secretary of the first-named society.
_____	{	Chairman of the subsequent general meeting.

Registered office } [of the A] }	_____	
Date	_____ day of _____	18 __.

* The second meeting must be held not less than fourteen days, nor more than one month, after the first.

† This will only be necessary when the society is a friendly society, and the consents or any of them have not been dispensed with by the chief registrar.

FORM W.—Regs. 35, 43.

FRIENDLY SOCIETIES ACT, 1896.

FORMS.

Treasury
regula-
tions.

(To be sent in duplicate, accompanied by Forms U and X.)

Application for Registry of a Special Resolution for Transfer of Engagements.

Name of society transferring its engagements

Register No. . [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

Name of society undertaking to fulfil transferred engagements

Register No. . [If the society is registered in Scotland or Ireland, add as before.]

To the Central Office.

Application for registry of a special resolution for transfer of engagements of the first-named society is made by the * persons whose names are subscribed.

1. The following is a copy of a special resolution passed by the votes of three-fourths of the members present and entitled to vote, at a general meeting of the first-named society, of which notice was duly given, held the day of 18 , and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting of which notice was duly given, held on the day of , 18 ,† pursuant to s. 74 of the Friendly Societies Act, 1896.

[The resolution to be copied at length.]

2. ‡ The number of votes to which all the members of the first-named society are entitled pursuant to s. 70 of the said Act is ; the number of votes of the members who assented at the said meeting is ; and the written consents of members entitled to votes, and of every person for the time being receiving or entitled to any relief, annuity, or other benefit from the funds of the society are appended hereto (except the consents of whose claims have been duly satisfied or have been provided for (*state in what manner such provision has been made*)).

3. The last-named society has (*state in what manner*) undertaken to fulfil the engagements of the first-named society, as testified by the signatures of the trustees and secretary of the said last-named society

* The number will vary according to that of the trustees of the society undertaking to fulfil transferred engagements.

† The second meeting must be held not less than fourteen days, nor more than one month, after the first.

‡ This will only be necessary when the society is a Friendly Society, and the consents or any of them have not been dispensed with by the chief registrar.

FORMS. to this application, and by the declaration of the secretary of the same
 — sent with this application.
 Treasury 4. With this application is sent the fee of 10s. prescribed by the
 regula- Treasury regulations.
 tions.

_____ { Chairman of the first
 general meeting.
 _____ { Secretary of the
 first-named society.
 _____ { Chairman of the
 subsequent general
 meeting.
 _____ { Trustees of the last-
 named society.
 _____ { Secretary of the last-
 named society.
 Registered office of }
 transferring society }
 Date _____ day of _____ 18 .

FORM X.—Reg. 35.

FRIENDLY SOCIETIES ACT, 1896.

Declaration by Officer of Society accepting Transfer of Engagements.

Name of society _____

Register No. _____. [If the society is registered in Scotland or
 Ireland, add Scotland or Ireland, as the case may be.]

County of _____ to wit.

I, _____ of _____, an officer of the above-named
 society, do solemnly and sincerely declare that by a resolution of a
 meeting of the society held on the _____ day of _____,
 at _____ [or as the case may be, stating by what authority the
 transfer is accepted] the society has undertaken to fulfil all the
 engagements of the _____ Society, Register No. _____. [add
 Scotland or Ireland if required.]

And I make this solemn declaration conscientiously believing the
 same to be true and by virtue of the provisions of the Statutory
 Declarations Act, 1835.

Taken and received before me, one of Her

Majesty's justices of the peace for the _____ Signature of declarant.
 said county of _____ at _____
 in the said county, this _____ day }
 of _____ 18 .

FORM Y.—Reg. 36.

FRIENDLY SOCIETIES ACT, 1896.

FORMS.

Treasury
regula-
tions.

Advertisement of Application for Dispensing with Consents or Conditions for Amalgamation or Transfer of Engagements.

Notice is hereby given that the _____ Society, Registered No. _____ [adding Scotland or Ireland where required], whose registered office is at _____ in the county of _____ desires to amalgamate with [or transfer all its engagements to] the _____ Society, Register No. _____ [adding Scotland or Ireland where required], [or the _____, a company under the Companies Acts]. And that on the _____ day of _____ the trustees [or committee of management] of the first-named society intend to apply to the chief registrar that the following consents and conditions prescribed by the Friendly Societies Act, 1896, for an amalgamation or transfer of engagements may be dispensed with, viz. [state what consents and conditions].

Signed _____ } Trustees [or Members
_____ } of the Committee of
_____ } Management].

(To be published in Gazette at least one calendar month before application.)

FORM Z.—Reg. 37.

FRIENDLY SOCIETIES ACT, 1896.

Application for Dispensing with Consents or Conditions for Amalgamation of Transfer of Engagements.

Name of society _____

Register No. _____. [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

Application is made by the trustees [or committee of management] of the above-named society for the purpose hereinafter mentioned.

1. The above-named society desires to amalgamate with [or transfer all its engagement to] the _____ Society, Register No. _____ [add Scotland or Ireland where required], [or the _____ Company, a company under the Company Acts].

2. The trustees [or committee of management] of the first-named society hereby apply to the chief registrar that the following consents and conditions prescribed by the Friendly Societies Act for an amalgamation or transfer of engagements may be dispensed with, viz. [state what consents and conditions].

FORMS.
—
Treasury
regula-
tions.

3. Notice of the intention to make the present application was advertised in the ["London, Edinburgh, or Dublin Gazette," as the case may be], on the _____ day of _____, being one calendar month previous to the date of this application, and a copy of the "Gazette" in which such notice appears is sent herewith.

Signed _____ } Trustees [or Members
_____ } of the Committee of
_____ } Management].

Date _____ day of _____ 18 .

FORM AA.—Reg. 42.

FRIENDLY SOCIETIES ACT, 1896.

(To be sent in triplicate, accompanied by Forms U and AC.)

Application for Registry of Special Resolution for Conversion into a Company.

Name of society _____

Register No. _____. [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

To the Central Office.

Application for registry of a special resolution for conversion of the above-mentioned society into a company is made by the three persons whose names are subscribed at the foot hereof.

The following is a copy of a special resolution passed by the votes of three-fourths of the members present and entitled to a vote at a general meeting of the said society, of which notice was duly given, held on the _____ day of _____ 18 , and confirmed by a majority of the members present and entitled to vote at a subsequent general meeting, of which notice was duly given, held on the _____ day of _____ 18 ,* pursuant to s. 74 of the Friendly Societies Act, 1896.

[The resolution to be copied at length.]

With this application is sent the fee of 10s. prescribed by the Treasury regulations.

_____, Secretary. _____ { Chairman of the first
general meeting.

_____ { Chairman of the
subsequent general
meeting.

Registered Office

Date _____ day of _____ 18 .

* The second meeting must be held not less than fourteen days, nor more than one month, after the first.

FORM AC.—Reg. 43.

FRIENDLY SOCIETIES ACT, 1896.

*Declaration by Officer of Company amalgamating or accepting
Transfer of Engagements.*

FORMS.

Treasury
regula-
tions.

Name of company

County of to wit.

I, , of , an officer of the above-named company, do solemnly and sincerely declare that by a resolution of a special general meeting of the company, held on the day of at [or as the case may be, stating by what authority the amalgamation is agreed to or the transfer of engagements accepted], the company has agreed to an amalgamation with [or undertaken to fulfil the engagements of] the Society, Reg. No. [add Scotland or Ireland, if required].

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of Her Majesty's justices of the peace for the said county of at in the said county, this day of , 18 .	}	Signature of declarant.
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FORM AD.—Reg. 48.

FRIENDLY SOCIETIES ACT, 1896.

Application under special Powers of Registrar.

(To be sent in duplicate, accompanied by Form AE.)

Name of society

Register No. . [If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.]

Application made pursuant to s. 76 of the Friendly Societies Act, 1896.

1. The above-mentioned society has members.
2. This application is signed by one-fifth of the members [or by 100 members if the whole number amounts to 1000, and does not exceed 10,000; or 500 members if the whole number exceeds 10,000].
3. The application is that the chief registrar [or assistant registrar for Scotland, or for Ireland] may appoint inspectors [or may call a special meeting] pursuant to the said section.

Forms.
—
Treasury
regulations.

4. The grounds of the application are as follows [*state the grounds fully*].
 5. The applicants are prepared to support the application by the following evidence, for the purpose of showing that they have good reason for making the application, and are not actuated by malicious motives in doing so, viz. a statutory declaration hereto annexed by [*names*] three of the present applicants, and [*here state the nature of the evidence proposed to be given*].
 6. The applicants are prepared, if required, to give security for costs to the extent of [*state amount*].
 7. With this application is sent the fee of £1 prescribed by the Treasury regulations.
- * Signatures of applicants
- Address to which communications are to be sent
- Date day of 18 .

FORM AE.—Reg. 48.

FRIENDLY SOCIETIES ACT, 1896.

Declaration in Support of Application under Special Powers of Registrar.

Name of society .

Register No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*];

County of to wit.

We, three of the members of the above-named society, do solemnly and sincerely declare that the persons whose signatures are appended to the application, a copy of which is hereto annexed, are to the best of our knowledge and belief *bonâ fide* members of the society, and that we are not, nor to the best of our knowledge and belief is any person whose signature is appended to such application, actuated by malicious motives, and that to the best of our knowledge and belief there is good reason for making such application.

And we make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of Her Majesty's justices of the peace for the said county of at , in the said county, this day of .	}	Signature of declarants.
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* Signatures by mark only must be attested by a witness not being one of the applicants.

FORM AF.—Reg. 50.

FRIENDLY SOCIETIES ACT, 1896.

Appointment of Inspectors.

FORMS.

Treasury
regula-
tions.

Name of society .

Register No. . [Add Scotland or Ireland where required.]

Pursuant to s. 76 of the Friendly Societies Act, 1896, I hereby
appoint [and], inspector [or inspectors] to
examine into the affairs of the above-mentioned society and to report
thereon.

One copy of the application for inspection is sent herewith for the
guidance of the inspector [or inspectors].

He [or they] may require the production of all or any of the books
and documents of the society, and may examine on oath its officers,
members, agents, and servants in relation to its business, and may
administer such oath.

The inspection is to commence on , the
day of next, at o'clock, and to be held
at .

Signature

Chief Registrar

[or Assistant Registrar for Scotland or Ireland].

Date day of 18 .

FORM AG.—Reg. 51.

FRIENDLY SOCIETIES ACT, 1896.

Notice of Special Meeting to be held by a Registrar's Direction.

[To be given either by letter addressed to every member, or by
advertisement, or in such other manner as the chief or assistant
registrar directs.]

Name of society .

Register No. . [If the society is registered in Scotland or
Ireland, add Scotland or Ireland, as the case may be.]

Notice is hereby given that a special meeting of the above-
mentioned society will be held by direction of the chief registrar
[or assistant registrar for Scotland or for Ireland] pursuant to s. 76
of the Friendly Societies Act, 1896, on , the
day of next, at o'clock, at , which
meeting shall appoint its own chairman, and shall then proceed to
discuss and determine on the following matters [state them].

Signature

Chief Registrar

[or Assistant Registrar for Scotland or Ireland].

Date day of 18 .

FORMS.

FORM AH.—Reg. 52.

Treasury
regula-
tions.

FRIENDLY SOCIETIES ACT, 1896.

Report by Chairman of Special Meeting.

Address .

Date .

To the Chief Registrar of Friendly Societies [*or to the Assistant Registrar of Friendly Societies for Scotland or Ireland, as the case may be*].

I have to report that at the special meeting of the society held by your direction at , on , the day of , the following resolution was [*or resolutions were*] passed [*state resolution or resolutions, and any other matters which the writer may think proper to report*].

(Signed)

Chairman of Special Meeting.

FORM AI.—Reg. 53.

FRIENDLY SOCIETIES ACT, 1896.

Request to Cancel Registry.

Name of society .

Register No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

To the Chief Registrar [*or in the case of a society registered and doing business in Scotland or Ireland exclusively, to the Assistant Registrar for Scotland or Ireland, as the case may be.*]

1. The above-mentioned society desires that its registry under the Friendly Societies Acts may be cancelled on the following ground, viz. [*state reason for desiring cancelling of registry, as for instance, that it is a branch of the which has been registered as a single society, or as the case may be*] and at a general meeting * duly held on the day of , 18 : It was resolved as follows:—

“That the trustees be authorised to request the chief [*or assistant*] registrar to cancel the registry of this society.”

2. This request is made by the trustees accordingly.

3. It is desired that notice of such cancelling be published in the [*naming some newspaper in general circulation in the neighbourhood of the registered office of the society*].

* If not at a general meeting, state in what manner the request has been determined upon.

4. The sum of _____, being the cost of publishing such notice in the said newspaper, and the further sum of _____ for the cost of publishing the same in the Gazette, are herewith transmitted.

FORMS.
—
Treasury
regula-
tions.

_____ } Trustees.

Registered Office,

Date

day of

18 .

FORM AK.—Reg. 55.

FRIENDLY SOCIETIES ACT, 1896.

Notice before Cancelling or Suspension of Registry.

Name of society .

Register No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

Notice is hereby given to the above-mentioned society, that it is the intention of the chief registrar [*or assistant registrar for Scotland or Ireland, as the case may be*] to proceed on the* day of _____, 18 , to cancel [*or to suspend for any term not exceeding three months*] the registry of the society, unless cause be shown to the contrary in the mean time.

The ground of such proposed cancelling [*or suspension*] is that the acknowledgment of registry has been obtained by fraud [*or issued in mistake, or that the society exists for an illegal purpose, or has wilfully and after notice from me violated the provisions of the Friendly Societies Act, or has ceased to exist. The facts should be briefly specified where practicable.*]

Signature,

Chief Registrar [*or Assistant Registrar, for Scotland or Ireland*].

Date

day of

18 .

FORM AL.—Reg. 56.

FRIENDLY SOCIETIES ACT, 1896.

Cancelling of Registry.

Name of society .

Register No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

* This will be not less than two months after the date of the notice.

FORMS. The registry of the above-mentioned society is hereby cancelled
 — at its request [*or as the case may be. The registrar may, if he thinks*
 Treasury *fit, add a statement as in Form AK of the ground of the cancelling*].
 regula-
 tions.

Signature,

Chief Registrar,

[*or Assistant Registrar for Scotland or Ireland*].

Date day of 18 .

FORM AM.—Reg. 57.

FRIENDLY SOCIETIES ACT, 1896.

Suspension or Renewal of Suspension of Registry.

Name of society .

Register No. . [*If the society is registered in Scotland or Ireland,
 add Scotland or Ireland, as the case may be.*]

The registry of the above-mentioned society is hereby [further*]
 suspended for [*any term not exceeding*] three months from this date
 on the ground that [*here state the ground of suspension, as in*
Form AK].

Signature,

Chief Registrar,

[*or Assistant Registrar for Scotland or Ireland*].

Date day of 18 .

FORM AN.—Reg. 58.

Advertisement of Cancelling or Suspension.

Notice is hereby given that the Chief Registrar of Friendly
 Societies [*or Assistant Registrar of Friendly Societies for Ireland
 or for Scotland*] has, pursuant to s. 77 of the Friendly Societies Act,
 1896, by writing under his hand, dated the day of ,
 18 , CANCELLED [*or SUSPENDED for (state the term)*] the REGISTRY
 of the Society (Register No. , *adding Scotland or*
Ireland where required) held at in the county of

[*Here state the ground for cancelling or suspension.*]

The society (subject to the right of appeal given by the Act)
 ceases to enjoy [during such suspension] the privileges of a
 registered society, but without prejudice to any liability incurred

* This word will be inserted only in case of renewal of suspension.

by the society, which may be enforced against it as if such cancelling [or suspension] had not taken place.

[Signature of Chief Registrar or Assistant
Registrar for Scotland or Ireland.]

FORMS.

Treasury
regula-
tions.

FORM AO.—Reg. 60.

FRIENDLY SOCIETIES ACT, 1896.

Instrument of Dissolution.

(To be signed in duplicate, and accompanied by Form AP.)

Name of society

Register No. [England, Scotland, or Ireland].

Instrument of dissolution of the above-named society, made the day of, 18, pursuant to s. 79 of the Friendly Societies Act, 1896, and the Treasury regulations.

It is declared and agreed as follows:—

1. This instrument is signed by [*in the case of a society not a Friendly Society*, three-fourths of the members; *but in the case of a Friendly Society*] five-sixths in value* of the members (including honorary members, if any), and by every person for the time being receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society [except whose claims have been duly satisfied or have been provided for †].

2. The liabilities and assets of the society are the following ‡:—

3. The number of members is, and the nature of their interests in the society respectively is as follows:—

4. The society has no creditors.§

5. The funds and property of the society shall be appropriated and divided in the following manner [or in such manner as the chief registrar may award. *If left to the award of the chief registrar, add* The fee of £1 prescribed by the Treasury regulations is sent herewith].

6. It is desired that this instrument be advertised in the [*state some newspaper in general circulation in the neighbourhood of the registered office of the society*] as well as in the London [Edinburgh or

* The value of members is ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in all.

† State in what manner such provision has been made.

‡ Here set them forth in detail. State whether any part of the funds is in the Post Office Savings Bank.

§ Or if there be any, state the amount due to them, and the provision to be made for its payment.

FORMS. — Dublin] Gazette, and the cost of such advertisements is herewith transmitted.

Treasury regula- [Here insert any other provisions the society desires to make as to the tions. dissolution.]

Signatures of members.

Number of votes of each member.

Signatures of persons receiving or entitled to receive any relief, annuity, or other benefit from the funds of the society.

Schedule.

List of members who have not signed the foregoing instrument—
Number of votes of each.

N.B.—All signatures by mark only must be attested by a witness who does not sign as a member.

FORM AOb.—Reg. 60.

FRIENDLY SOCIETIES ACT, 1896.

Instrument of Dissolution of Branch.

(To be signed in duplicate, and accompanied by Form AP.)

Name of society

Register No. . [England, Scotland, or Ireland.]

Name and number (if any) of branch

Instrument of dissolution of the above-named branch made the day of , 18 , pursuant to s. 79 of the Friendly Societies Act, 1896, and the Treasury regulations.

It is declared and agreed as follows:—

1. This instrument is signed by five-sixths in value* of the members (including honorary members, if any) and by every person for the time being receiving or entitled to receive any relief, annuity, or other benefit from the funds of the branch [except whose claims have been duly satisfied or have been provided for].

2. The liabilities and assets of the branch are the following:—†

3. The number of members is , and the nature of their interests in the branch respectively is as follows:—

4. The branch has no creditors.§

* The value of members is ascertained by giving one vote to every member, and an additional vote for every five years that he has been a member, but to no one member more than five votes in all.

† State in what manner such provision has been made.

‡ Here set them forth in detail. State if any part of the funds is in the Post Office Savings Bank.

§ Or if there be any, state the amount due to them, and the provision to be made for its payment.

5. The funds and property of the branch shall be appropriated and divided in the following manner [*or in such manner as the chief registrar may award. If left to the award of the chief registrar, add* The fee of £1 prescribed by the Treasury regulations is sent herewith].

FORMS.
—
Treasury
regula-
tions.

6. It is desired that this instrument be advertised in the [*state some newspaper in general circulation in the neighbourhood of the registered office of the branch*] as well as in the London [Edinburgh or Dublin] Gazette, and the cost of such advertisements is herewith transmitted.

[*Here insert any other provisions the branch desires to make as to the dissolution.*]

Signatures of members.

Number of votes of
each member.

Signatures of persons receiving or entitled to receive any relief, annuity, or other benefit from the funds of the branch.

Schedule.

List of members who have not signed the foregoing instrument—
Number of votes of each.

N.B.—*All signatures by mark only must be attested by a witness who does not sign as a member.*

The consent of the central body of the society has been given to the dissolution.

Signature of the secretary of the society

Date day of 18 .

FORM AP.—Reg. 60.

FRIENDLY SOCIETIES ACT, 1896.

Declaration to accompany Instrument of Dissolution of Society or Branch.

Name of society [*and name and No., if any, of branch*] .

Register No. of society . [*If the society (or branch) is registered in Scotland or Ireland add Scotland or Ireland, as the case may be.*]

County of to wit.

I, of , one of the trustees [*or we, ,*
 , and three members, and

the secretary] of the above-named society [*or branch*], do solemnly and sincerely declare that in making the instrument of dissolution [*or the alteration of the instrument of dissolution*] appended to this declaration, the provisions of the Friendly Societies Act, 1896, have been complied with.

FORMS.
—
Treasury
regula-
tions.

And I [or we] make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act, 1835.

Taken and received before me, one of Her Majesty's justices of the peace for the said county of at in the said county, this day of 18 .	}	Signature of declarant or declarants.
--	---	--

FORM AQ.—Reg. 61.

FRIENDLY SOCIETIES ACT, 1896.

Acknowledgment of Registry of Instrument (or alteration of Instrument) of Dissolution.

Name of society [*and name and No., if any, of branch*] .
 Register No. of society . [*Add Scotland or Ireland where required.*]

The foregoing instrument of dissolution [*or alteration of the instrument of dissolution*] of the above-named society [*or branch*] is registered under the Friendly Societies Act, 1896, this day of , 18 .

[Seal or stamp of Central Office,
or

Signature of Assistant Registrar for
 Scotland *or* Ireland.]

FORM AR.—Reg. 63.

FRIENDLY SOCIETIES ACT, 1896.

Advertisement of Dissolution by Instrument.

Notice is hereby given that the [branch of the]
 society, register No. [*add Scotland or Ireland where required*], held at in the county of is dissolved by instrument, registered at this office the day of , unless within three months from the date of the Gazette in which this advertisement appears proceedings be commenced by a member or other person interested in or having any claim on the funds of the

society [*or branch*] to set aside such dissolution, and the same is set aside accordingly.

[Signature of Chief Registrar or Assistant Registrar for England for the Central Office, or of Assistant Registrar for Scotland or Ireland.]

FORMS.

Treasury
regula-
tions.

28, Abingdon Street, Westminster.

[*or as the case may be.*]

Date day of 18 .

FORM AS.—Reg. 64.

FRIENDLY SOCIETIES ACT, 1896.

Award for Distribution of Funds of Society.

Name of society .

Register No. . [*Add Scotland or Ireland where required.*]

Pursuant to s. 79 of the Friendly Societies Act, 1896, and to the instrument of dissolution of the said society, registered on the

day of 18 , I hereby award and direct that the

assets of the society shall be divided and appropriated in the following manner :—

Signed

Chief Registrar.

Address

Date day of 18 .

FORM AT.—Reg. 65.

FRIENDLY SOCIETIES ACT, 1896.

Application to Chief Registrar for Award of Dissolution of Society.

Name of society .

Register No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

Application for an award of dissolution of the above-mentioned society is made by the members whose names are subscribed at the foot hereof.

1. The society consists of members, one-fifth of the whole number of whom [*or 100 or more of whom if the society has 1000 members and not exceeding 10,000 or 500 or more of whom if the society has more than 10,000 members*] have signed this application.

2. The funds of the society are insufficient to meet the existing

FORMS.
—
Treasury
regula-
tions.

claims thereon [*or the rates of contribution fixed in the rules of the society are insufficient to cover the benefits assured*].

3. The grounds upon which such insufficiency is alleged are as follows:—[*state grounds*].

4. The chief registrar is hereby requested to make or cause to be made, pursuant to s. 80 of the Friendly Societies Act, 1896, an investigation into the affairs of the society with a view to the dissolution thereof.

5. It is desired that notice of the award of dissolution be published in the [*naming some newspaper in general circulation in the neighbourhood of the registered office of the society*].

6. The sum of _____, being the cost of publishing such notice in the said newspaper, and the further sums of _____ for the cost of publishing the same in the Gazette and £1, the fee for the award prescribed by the Treasury regulations, are herewith transmitted.

Signatures of members *

Registered office

Date

day of

18 .

FORM AU.—Reg. 66.

FRIENDLY SOCIETIES ACT, 1896.

Notice of Investigation.

Name of society _____

Register No. _____. [*Add Scotland or Ireland, where required.*]

Notice is hereby given that the chief registrar will proceed by himself [*or by the actuary to the central office or by (name of) assistant registrar, or actuary, or public auditor, whom the chief registrar hereby appoints for the purpose*] to investigate the affairs of the above-mentioned society, in compliance with an application in that behalf made pursuant to s. 80 of the Friendly Societies Act, 1896, on _____ the _____ day of _____ 18 _____ (*two months at least after the date of the notice*), at _____ o'clock, at _____ in the county of _____, and he hereby directs that in the event of an award of dissolution being made, the date of the said investigation shall be the date at which all contributions and benefits shall cease.

Signed

Chief Registrar.

Address

Date

day of

18 .

(To be addressed to the society at its registered office.)

* Any signature by mark only must be attested by a witness who does not sign as a member.

FORMS.

Treasury
regula-
tions.

FORM AV.—Reg. 66.

FRIENDLY SOCIETIES ACT, 1896.

Award of Dissolution of Society.

Name of society .

Register No. .

Pursuant to s. 80 of the Friendly Societies Act, 1896, I hereby award that the shall be dissolved and its affairs wound up as from the day of , and I direct that the assets of the said society shall be divided and appropriated in the following manner :—

Signed

Chief Registrar.

Address

Date

day of

18 .

FORM AW.—Reg. 67.

FRIENDLY SOCIETIES ACT, 1896.

Advertisement of Dissolution of Society by Award.

Notice is hereby given that on the day of the chief registrar signed an award for the dissolution of the society, register No. [*add Scotland or Ireland where required*], held at in the county of and that such society is thereby dissolved, unless within three months from the date of the Gazette in which this advertisement appears proceedings be commenced by a member or other person interested in, or having any claim on the funds of the society to set aside such dissolution, and the same be set aside accordingly.

[Signature of Chief Registrar
or Assistant Registrar for
England for the Central
Office, or of Assistant Re-
gistrar for Scotland or
Ireland.]

28, Abingdon Street, Westminster.

[or as the case may be.]

Date

day of

18 .

FORMS.

Treasury
regula-
tions.

FORM AX.—Reg. 68.

FRIENDLY SOCIETIES ACT, 1896.

Notice of Proceeding to set aside Dissolution of Society [or Branch].

Name of society .

Register No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

Name [and number (if any)] of branch .

Registered office of branch . [*If in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

To the Central Office .

Whereas on the . day of . the above-named society [*or the above-named branch*] was dissolved [*or purported to be dissolved*] by an instrument of dissolution purporting to be duly registered.I hereby give you notice that I intend, after not less than seven days from the date hereof, to take proceedings for setting aside such dissolution in the . County Court [*or Sheriff Court, or Recorder's Court, as the case may be.*]

Dated . day of

18 .

Signed .

Address .

FORM AY.—Reg. 68.

FRIENDLY SOCIETIES ACT, 1896.

Notice of Order to set aside Dissolution.

Name of society .

Register No. . [*If the society is registered in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

Name [and number (if any)] of branch .

Registered office of branch . [*If in Scotland or Ireland, add Scotland or Ireland, as the case may be.*]

To the Central Office .

Whereas on the . day of . the above-named society [*or the above-named branch*] was dissolved or purported to be dissolved by an instrument of dissolution purporting to be duly registered.

The above-named society [or branch] hereby gives you notice that by an order of the _____ County Court [or Sheriff Court, or Recorder's Court], dated the _____ day of _____, copy whereof is hereto annexed, the dissolution of the said society [or branch] was set aside.

FORMS.
—
Treasury
regula-
tions.

_____) Trustees.
_____, Secretary.

Registered Office
Date _____ day _____ 18 .

[This notice must be sent within seven days after the order to set aside dissolution is made. A copy of the order is to be annexed.]

FORM CI.—*Alternative to FORM C.*

FRIENDLY SOCIETIES ACT, 1896.

Information to obtain Registry of an Amendment of Rules required by the Registrar for the Purposes of the Act.

Name of society _____
Register No. _____ County _____

I, _____, of _____, secretary of the above-named society, hereby inform the registrar, as required by him for the purposes of the Friendly Societies Act, that the amendment of the rules of the said society, herewith sent for registry, has been duly made in conformity with the rules of the society in that behalf, and that, to the best of my knowledge and belief, the same is not contrary to the provisions of the Act.

And I, _____, of _____, one of the trustees of the society, hereby inform the registrar, as required by him for the purposes of the Friendly Societies Act, that the above-mentioned _____ is the secretary of the society.

Signed

Signed

[Sections 84 (b) (c) 88, 89, of the Act are to be printed at foot.]

FORMS.

Treasury
regula-
tions.FORM CbI.—*Alternative to FORM Cb.*

FRIENDLY SOCIETIES ACT, 1896.

*Information to obtain Registry of an Amendment of Branch Rules
required by the Registrar for the Purposes of the Act.*

Name of order

Name and No. of branch

County

I, _____, of _____, secretary of the above-mentioned branch, hereby inform the registrar, as required by him for the purposes of the Friendly Societies Act, that the amendment of the rules of the said branch herewith sent for registry has been duly made in conformity with the rules of the branch and of the order in that behalf, and that, to the best of my knowledge and belief, the same is not contrary to the provisions of the Act.

And I, _____, of _____, the [district] secretary of the above-mentioned order, hereby inform the registrar, as required by him for the purposes of the Friendly Societies Act, that the above-mentioned _____ is the secretary of the said branch.

Signed

Signed

*[Sections of the Act to be printed as in Form CI.]*FORM UI.—*Alternative to FORM U.*

FRIENDLY SOCIETIES ACT, 1896.

*Information to obtain Registry of a Special Resolution required by the
Registrar for the Purposes of the Act.*

Name of society

Register No.

County

I, _____, of _____, secretary of the above-mentioned society, hereby inform the registrar, as required by him for the purposes of the Friendly Societies Act, that in making the special resolution herewith sent for registry, the provisions of s. 74 of the Friendly Societies Act, 1896, have been duly complied with.

And I, &c. [As in Form CI.]

Signed

Signed

[Sections of Act as in Form CI.]

FORM XI.—*Alternative to FORM X.*

FRIENDLY SOCIETIES ACT, 1896.

FORMS.

Treasury
regula-
tions.

*Information to obtain Registry of Transfer of Engagements required
by the Registrar for the Purposes of the Act.*

Name of society . . .

Register No. . . .

County . . .

I, . . . , of . . . , secretary of the above-named
society, hereby inform the registrar, as required by him for the purposes
of the Friendly Societies Act, that the said society has undertaken to
fulfil all the engagements of the . . . society, register No. . . ,
in the following manner. [*State in what manner and by what authority
the transfer has been accepted.*]

And I, &c. [As in Form CI.]

Signed

Signed

[Sections of Act as in Form CI.]



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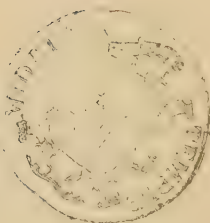
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